

**TOWN COUNCIL
TOWN OF GYPSUM, STATE OF COLORADO
ORDINANCE NO. 06 (SERIES 2019)**

AN ORDINANCE OF THE TOWN OF GYPSUM, COLORADO AMENDING PORTIONS OF THE ZONING CODE, TITLE 18, OF THE GYPSUM MUNICIPAL CODE, INCLUDING REPEALING AND RE-ADOPTING PORTIONS OF CHAPTER 18.02 DEFINITIONS, CHAPTER 18.03 ZONING MAP AND DISTRICT BOUNDARIES, CHAPTER 18.04 ZONE DISTRICTS, SECTION 18.05.010 NON RESIDENTIAL DEVELOPMENT STANDARDS, SECTION 18.05.020 RESIDENTIAL DEVELOPMENT STANDARDS, SECTION 18.05.060 DEVELOPMENT STANDARDS FOR KEEPING ANIMALS IN RESIDENTIAL ZONE DISTRICTS, CHAPTER 18.06 TABLE OF USES-NONRESIDENTIAL ZONE DISTRICTS, CHAPTER 18.07 TABLE OF USES-RESIDENTIAL ZONE DISTRICTS, SECTION 18.10.030 FENCES, SECTION 18.11.030 REPAIRS, SECTION 18.11.040 DISCONTINUANCE, ADDING A NEW SECTION 18.02.175, DEFINITION OF CHURCH, AND ADDING A NEW SECTION 18.02.442, DEFINITION OF LANDSCAPE

WHEREAS, the Town of Gypsum, Colorado (“Town”), is a home rule municipality of the State of Colorado, duly organized and existing under Article XX of the Colorado Constitution and the Gypsum Home Rule Charter effective October 21, 1982; and

WHEREAS, pursuant to Article 1.3 of the Charter, the Town has all power of local self-government and home rule and all power possible for a home rule municipality to have under the Constitution and laws of the State of Colorado; and

WHEREAS, pursuant to Article 8.2 of the Charter, the Town Council has the power by ordinance to limit the use of private property without the consent of the owner; and

WHEREAS, the Town Council has, by Ordinance, adopted Title 18 of the Gypsum Municipal Code (“Code”) regarding zoning (“Zoning Code”); and

WHEREAS, the Town Council has undertaken a comprehensive re-write of the Zoning Code to better protect the public health safety and welfare and to implement the *2017 This is Gypsum Master Plan* and other adopted plans; and

WHEREAS, the Town Council and the Planning and Zoning Commission have held public meetings on the proposed adoption of the new Zoning Code on February 6, 2019; June 11, 2019; July 3, 2019; July 9, 2019; and August 13, 2019; and

WHEREAS, the Town Council hereby finds and determines that amending the Zoning Code is appropriate and necessary to the function and operation of the Town.

NOW, THEREFORE, be it ordained by the Town Council of the Town of

Gypsum, Colorado that:

Section 1. Amendment of Title 18, Zoning Code. Title 18, the Zoning Code, is hereby amended by the repeal and readoption of Sections 18.02.070, 18.02.120, 18.02.420, 18.02.650, 18.02.730, 18.03.010, 18.03.020, 18.03.070, 18.04.010, 18.04.020, 18.04.030, 18.04.035, 18.04.040, 18.04.060, 18.04.070, 18.04.080, 18.05.010, 18.05.020, 18.05.060, 18.06.010, 18.07.010, 18.10.030, 18.11.030 and 18.11.040; the adoption of new Section 18.02.175, definition of “church”, and the adoption of a new Section 18.02.442, definition of “landscape”, as shown on Exhibit A, attached hereto and incorporate herein.

Section 3. Adoption of Updated and Official Zone Map. The Town Council hereby adopts the Town of Gypsum Official Zone Map, attached hereto and incorporated herein as Exhibit B.

Section 4. Public Inspection. Copies of this Ordinance, the Official Zone Map, and the Gypsum Municipal Code are available for public inspection at the office of the Gypsum Town Clerk.

Section 5. Public Hearing. A public hearing on this Ordinance shall be held on the 13th day of August, 2019 at 7:00 p.m. at the Town of Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado.

Section 6. Effective Date. This Ordinance shall become effective as a permanent Ordinance five (5) days after publication, following final adoption after a public hearing held on the 13th day of August, 2019, at 7:00 p.m., at the Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado.

Section 6. Severability. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

INTRODUCED, READ AND ORDERED PUBLISHED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF GYPSUM ON THE 9TH DAY OF JULY 2019, BY A VOTE OF 6 IN FAVOR AND 0 AGAINST.

TOWN OF GYPSUM

By.


Stephen Carver, Mayor

Attest: Danette Schlegel
Danette Schlegel, Town Clerk



INTRODUCED ON SECOND READING, READ, CONSIDERED AT A PUBLIC HEARING AND FINALLY ADOPTED, PASSED AND APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED POSTED AND PUBLISHED, BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE AND PASSED AT ITS MEETING HELD ON THE 13TH DAY OF AUGUST, 2019, BY A VOTE OF 6 IN FAVOR AND 0 AGAINST.

TOWN OF GYPSUM

By: Stephen Carver
Stephen Carver, Mayor

Attest: Danette Schlegel
Danette Schlegel, Town Clerk



EXHIBIT A
ZONING CODE

EXHIBIT B
ZONING MAP

Title 18 - ZONING

Chapter 18.02 DEFINITIONS

18.02.070 - Adult Entertainment Establishment.

Adult entertainment establishment means any establishment which conducts the sale, rental, display or other offering of live entertainment, dancing, or material which is distinguished or characterized by its emphasis on depicting, exhibiting, describing, or relating to specified sexual activities or specified anatomical areas and including, but not limited to:

- (1) Adult bookstore means any establishment which sells or rents adult materials including, but not limited to: books, magazines, newspapers, movie films, slides or other photographic or written material, or any visual representation, video tapes and/or devices.
- (2) Adult cabaret, restaurant or place of business means a cabaret, restaurant or place of business which features topless and/or bottomless waitresses, waiters, dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.
- (3) Adult hotel or motel means any hotel or motel in which the presentation of adult material is the primary or principal attraction.
- (4) Adult mini-motion picture theater means any fully enclosed theater with a capacity of less than 50 persons in which the presentation of adult material is the primary or principal attraction.
- (5) Adult motion picture arcade means any establishment in which the primary or principal attraction is the presentation of adult material by image-producing devices, typically limited to viewing by five or fewer persons per device.
- (6) Adult motion picture theater means any fully enclosed theatre with a capacity of 50 or more persons in which the presentation of adult material is the primary or principal attraction.
- (7) Adult novelty store means any establishment which as a substantial or significant portion of its stock in trade sells or rents adult materials including, but not limited to: apparel, bakery products, novelties, gifts, or any visual representation, and/or devices.

18.02.110 - Automotive Sales and Repair, Major.

Automotive sales and repair, major means an establishment primarily engaged in the sale, servicing, maintenance or repair of commercial and heavy truck oriented vehicles, trailers and similar large mechanical, farm or construction equipment, including paint, body and fender and major engine and engine part overhaul. Overnight outdoor storage of vehicles is prohibited; all sales and repairs must be conducted inside a completely enclosed building. Such use shall not include the retail sale of fuel, gasoline or petroleum products. Automotive sales and repairs establishments with vehicles left outside overnight are considered to have outdoor storage as per Section 18.05.585 and therefore not accessory to the establishment. Establishments with outdoor storage shall be located in appropriate zone districts.

18.02.120 – Automotive Sales and Repair, Minor.

Automotive sales and repair, minor means an establishment primarily engaged in the sale, servicing, maintenance or repair of passenger and light truck oriented motor vehicles, trailers and similar

mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups and transmission work, car washing, detailing, polishing or the like. Overnight outdoor storage of vehicles is prohibited; all sales and repairs must be conducted in a completely enclosed building. Automotive sales and repairs establishments with vehicles left outside overnight are considered to have outdoor storage as per Section 18.05.585 and therefore not accessory to the establishment. Establishments with outdoor storage shall be located in appropriate zone districts.

18.02.420 - Hotel/Motel/Lodging Establishment.

Hotel/motel/lodging establishment means a building or group of associated buildings designed for occupancy as a temporary lodging place (fewer than thirty (30) days) which is operated under a single management providing the occupants thereof the usual accommodation services and facilities.

18.02.175 – Church.

A non-secular or non-profit facility or establishment that includes, at a minimum, a sanctuary space, religious education, and/or ministry, and may also include clothing and food distribution (kitchen facility), counseling, employment assistance, study or library space, child care services, referral services, support groups, and assembly room. A place of worship is limited to one single-family dwelling unit. A place of worship does not include businesses operated by the religious group for support of religious activities or for charitable purposes.

18.02.442 – Landscape.

Landscape may include the following features:

- (1) Typical grass, trees, shrubs or existing native vegetation; or
- (2) Xeriscape design with drought tolerant tree and shrub species with a ground cover of rock, bark mulch, or similar material; or
- (3) Rock lined drainage swales to accommodate storm drainage needs; or
- (4) Drought tolerant native seed initially established with above ground irrigation, but cannot exceed seventy-five percent (75%) of required landscape area; or
- (5) Public use areas which may include seating, activities or games area, public art displays, fountains or other similar uses encouraging public use; or
- (6) Any combination of the above is allowed and attractive landscaping must be created along street frontages.

18.02.650 - Playground.

Playground means a parcel used for outside recreation use. Playgrounds may be unimproved or improved with playground facilities, picnic areas, and similar facilities mainly meant to serve children. Playgrounds may or may not be available for use by the general public.

18.02.730 - Retail Establishment.

Retail establishment means the transaction of sales or leasing or rendering of services directly to ultimate consumers, as distinguished from wholesale sales or services for subsequent resale. Storage and distribution shall be accessory to the retail as the main use.

Chapter 18.03

ZONING MAP AND DISTRICT BOUNDARIES

18.03.010 - Map Adopted.

The official zoning district map, together with all explanatory material thereon, is adopted by reference and declared to be a part of this zoning code.

18.03.020 - Map Location and Identification.

The official zoning district map shall be located in the office of the town planner and shall be identified by the signature of the mayor, attested to by the town clerk, and shall bear the seal of the town under the following form of certification:

"CERTIFICATION: This is the Official Zoning District Map of the Town of Gypsum, Colorado, adopted pursuant to Ordinance No. 06 (Series 2019), on the 13th day of August, 2019, and referred to in Title 18 of the Gypsum Municipal Code."

18.03.070 - Key to Tables.

The permission codes listed for uses enumerated in the tables of uses for each of the zone districts have the following meanings:

- (1) "P" means permitted. Uses designated "P" are uses by right which are permitted anywhere within the zone district.
- (2) "C" means conditional use permit. Uses designated "C" are permitted in the zone district indicated subject to conditions contained in a conditional use permit to be issued administratively by the town manager or the town manager's designee.
- (3) "S" means Special Use Permit. Uses designated "S" may be allowed in the zone district indicated only upon issuance of a Special Use Permit by the planning and zoning commission following notice and hearing.
- (4) "*" means not allowed. Uses designated "*" are not permitted within that zone district.
- (5) (5)"L" means limited use. Uses designated "L" are permitted in the zone district indicated subject to conditions contained in a specific approval permit to be issued administratively by the town manager or the town manager's designee.

Chapter 18.04

ZONE DISTRICTS

18.04.010 - Commercial Historical District (CH).

The commercial historical district, also known as "The Yard" in the *2017 This is Gypsum Master Plan*, is intended to reflect the character of the original downtown and to provide for a mixture of uses that will strengthen and expand the core community by:

- (1) Encouraging the redevelopment and expansion of the existing historical town area;
- (2) Providing a concentration and mixture of civic, office, retail, restaurant, housing and cultural land uses;
- (3) Maintaining and enhancing the historic character of the original downtown;
- (4) Facilitating pedestrian movement;
- (5) Permitting the construction or rehabilitation of attached apartment, civic and storefront building types in close proximity to each other.
- (6) Dwelling units within the commercial historical district may be allowed by Special Use Permit with the following restrictions or provisions:
 - a. Livable area of dwelling unit cannot be less than 250 square feet.
 - b. Residential uses cannot exceed 75% of the total commercial area of the structure.
 - c. No stand alone single-family residential units are permitted. Residential units must be part of at least a duplex design or higher.
 - d. Dwelling units may be condominiumized and sold separately from the associated commercial portion of the building.
 - e. In addition to the criteria generally applicable to Special Use Permit applications, the following criteria shall also be considered:
 - i. Proximity to parks and open space or other amenities;
 - ii. Overall parking on and off site;
 - iii. Benefit to the town (retail uses will have preference); and
 - iv. Traffic circulation throughout the neighborhood
- (7) All properties in the commercial historical district are subject to architectural design guidelines as adopted and amended by the town.

18.04.020 - Interstate Commercial District (IC).

The interstate commercial district is also known as "The Front Door" and "On the River" per the *2017 This is Gypsum Master Plan*. The interstate commercial district identifies lands located along Interstate 70 at the existing Gypsum interchange or any future interchange and is intended to be a setting for development of a wide range of businesses catering to the needs of interstate travelers. Secondly, it can accommodate a wide range of other uses including community and regional retail uses, offices and personal and business services. The interstate commercial district is intended to integrate various commercial uses while transitioning from the interstate highway to adjacent lower density neighborhoods. The interstate commercial district is intended to complement rather than compete with the downtown area.

Dwelling units within an interstate commercial district are allowed with the following restrictions or provisions:

- (1) Livable area of dwelling unit cannot be less than 250 square feet.
- (2) Residential uses cannot exceed one-half of the total commercial area of the structure.
- (3) Dwelling units must be a part of a mixed use building.
- (4) Dwelling units may be condominiumized and sold separately from the associated commercial portion of the building. All properties in the interstate commercial district are subject to architectural design guidelines as adopted and amended by the town.
- (5) No stand-alone single-family residential units are permitted. Residential units must be part of at least a duplex design or higher density structure.

18.04.030 - Commercial/Professional District (CP).

The commercial/professional district identifies lands located along both sides of Highway 6 and along Cooley Mesa Road that are suitable for commercial development. The commercial/professional district is intended to provide for the location of auto-oriented and auto-dependent uses and/or uses which provide a wide range of general retail goods and services for residents of the local community and the region, as well as businesses and highway users, primarily inside of enclosed structures. Locations for this zone district require good access to major arterial streets and adequate water, sewer and power.

Dwelling units within a commercial/professional district are allowed with the following restrictions or provisions:

- (1) Livable area of dwelling unit cannot be less than 250 square feet.
- (2) Residential uses cannot exceed 75% of the total commercial area of the structure or project if there are multiple buildings.
- (3) Dwelling units may be part of a vertically mixed use building or stand alone on the same lot or parcel, but do not have to be accessory to the commercial use. Dwelling units may be condominiumized and sold separately from the associated commercial portion of the building.
- (4) No stand-alone single-family residential units are permitted. Residential units must be part of at least a duplex design or higher density structure.

18.04.035 - Market District (MD).

- (1) The Market District identifies lands located around the Valley Road and Highway 6 intersection, Crestwood Drive, Oakridge Drive, Oakridge Court, and along Highway 6 to Greenway for commercial and mixed-use residential development. The Market District is intended to provide for both auto-dependent and pedestrian uses which provide a wide range of general retail goods and services for residents of the local community and the region, as well as businesses and highway users, primarily inside of enclosed structures. Dwelling units within the Market District are allowed with the following restrictions or provisions:
 - a. Residential uses cannot exceed 75% of the total commercial area of the structure or project if there are multiple buildings
 - b. No stand-alone single-family residential units are permitted. Residential units must be part of at least a duplex design or higher density structure.
 - c. Dwelling units may be part of a mixed use building or stand alone on the same lot or parcel, but do not have to be accessory to the commercial use. Dwelling units may be condominiumized and sold separately from the associated commercial portion of the building.
 - d. All properties in the Market District are subject to architectural design guidelines as adopted and amended by the Town.

18.04.040 - Light Industrial (LI).

The Light Industrial District is intended to provide locations for a variety of workplaces including light industrial uses, service businesses, research and development offices and

institutions. This zone district is intended to encourage the development of planned office and business parks; to promote excellence in the design and construction of buildings, outdoor spaces, transportation facilities and streetscapes.

Apartments within a Light Industrial District may be allowed by Special Use Permit, but only as an accessory use to the commercial use located on the same lot. The minimum lot size for an apartment in a Light Industrial District is two acres. Only one apartment shall be allowed for each lot, even if the lot is subdivided into separate units. Occupancy of the apartment shall be limited to the owners or employees of the associated commercial use. Such apartments cannot be condominiumized or sold separately from the associated commercial use and the studio apartment shall not be subdivided from the remainder of the building. The following restrictions shall also apply to any Special Use Permit issued for such apartment:

- (1) Livable area of the apartment shall not be greater than 650 square feet. The combined minimum square footage of the studio apartment and the portion of the building devoted to commercial use shall not be less than 1,300 square feet.
- (2) In addition to the criteria generally applicable to Special Use Permit applications, the following criteria shall also be considered:
 - a. Overall parking on site.
 - b. Traffic circulation within the lot and through the neighborhood.
 - c. Access to the studio apartment by the fire department, law enforcement authorities, and emergency service providers.
 - d. Benefit to the Town of Gypsum.

18.04.060 - Institutional District (ID).

The Institutional District is intended to identify and perpetuate the existence of public parks, recreation facilities, playgrounds and public and quasi-public buildings, whether publicly owned or leased. In certain circumstances, it may be appropriate to allow and encourage institutional uses to develop on-site housing for some of their employees. Residential units require a Special Use Permit.

In addition to the criteria generally applicable to Special Use Permit applications, the following criteria shall also be considered:

- (1) Overall parking on site;
- (2) Traffic circulation within the lot and through the neighborhood;
- (3) Availability of emergency access to the residential units by the fire department, law enforcement authorities, and emergency service providers; and
- (4) Benefit to the Town of Gypsum.

18.04.070 - Mobile Home Park District (MHP).

A Mobile Home Park District is a high-density residential district on a parcel of land under single ownership or control on which two or more manufactured homes or two or more mobile homes are occupied as residence..

18.04.080 - Multifamily District (MF).

The Multifamily District is a high-density residential zone intended primarily for multifamily uses on individual lots. In order to facilitate higher densities near viable business centers,

multifamily buildings are generally encouraged near a neighborhood commercial center. Street and open space designs in these areas shall be used to create compatibility among frontages, which encourage pedestrian interaction and discourage high automobile speeds.

**Chapter 18.05
DEVELOPMENT STANDARDS**

18.05.010 - Nonresidential Development Standards.

The following standards shall regulate the size, bulk, height, building setbacks, density, and open space within the designated zone districts.

Standard	Zones							
	CH See Note "A" Below	IC See Note "A" Below	CP See Note "B" Below	MD See Note "A" Below	LI	HI	ID	
Minimum Lot Area (sf)	2500	2500	2500	2500	None	None	None	
Maximum Lot Coverage	75%	75%	75%	80%	None	None	None	
Maximum Building Height (ft)	35	Subject to design requirements	45	Subject to design requirements	45	45	45	
Minimum Landscaped or Public Areas	0%	5%	15%	10%	10%	10%	10%	
Maximum Building Height (ft) for Accessory Building or Use	25	25	25	25	25	25	45	
Minimum Front Yard Setback (ft)	0	0	0	0	10	10	10	
Minimum Side Yard Setback (ft)	0	0	0	0	10	10	10	
Minimum Rear Yard Setback (ft)	0	0	0	0	10	10	10	
Maximum Fence Height, Front (ft)	3.5	3.5	3.5	3.5	8	8	8	
Maximum Fence Height Rear and Side (ft)	6	6	6	6	8	8	8	

(1) Notes:

- a. *Note A:* Subject to separate architectural development and design requirements.
- b. *Note B:* Some Commercial Professional Districts subject to additional requirements. Commercial Professional Districts located within the Airport Gateway subdivision subject to separate architectural development and design requirements.

(2) Gate structures over the eight-foot fence height limit requires approval of a Special Use Permit.

(3) Public structures, including but not limited to athletic field backstops, are not considered fencing structures and may be constructed to the required height necessary for safety purposes without a Special Use Permit.

18.05.020 - Residential Development Standards.

The following standards shall regulate the size, bulk, height, building setbacks, density, and open space within the designated zone districts.

Standard	Zones							
	MHP	MF	SF/HD	SF/MD	SF/LD	RR	AG	
Minimum Lot Area/Dwelling (sf), Dwelling more than 1,000 sf	3,500	4,000	6,500	10,001	20,001	2 acres	5 acres	

Dwelling 1,000 sf or less	3,500	3,000	6,500	10,001	20,001	2 acres	5 acres
Restricted Workforce Housing ("RWH") (18.05.050)	N/A	2,000	N/A	N/A	N/A	N/A	N/A
Maximum Lot Coverage (buildings, structures and accessory buildings)	50%	50%	50%	50%	33 1/3%	33%	33%
Minimum Lot Width (ft)	25	25	25	25	60	60	60
Minimum Lot Frontage (ft)	25	25	25	25	35	35	35
Minimum Lot Depth (ft)	50	50	50	50	60	60	60
Maximum Building Height (ft), Principal Building	20	45	35	35	35	35	35
Accessory Building	20	20	20	20	20	25	None
Minimum Front Yard Setback (ft)	25	25	25	25	25	25	50
Minimum Side Yard Setback (ft)	10	10	10	10*	10*	25	50
Minimum Rear Yard Setback (ft)	10	10	10	10*	10*	25	50
Maximum Side and Rear Yard Fence Height (ft)	6	6	6	6	6	6	6
Maximum Front Yard Fence Height (ft)	3.5	3.5	3.5	3.5	3.5	3.5	3.5
Maximum Square Footage, Noncommercial Greenhouse, one per lot	120	120	120	300	500	500	500

* See 18.05.030(d).

Multifamily minimum lot area shall be increased for each additional dwelling unit. Examples:

MF Type	RWH	MF in which all Dwelling Units are 1,000 sf or less	MF in which any Dwelling Unit is more than 1,000 sf	Increased density projects in which all Dwelling Units are 1,000 sf or less (see 18.05.025)
Duplex	4,000 sf	6,000 sf	8,000 sf	4,000 sf
Triplex	6,000 sf	9,000 sf	12,000 sf	6,000 sf
Fourplex	8,000 sf	12,000 sf	16,000 sf	8,000 sf

Lot coverage includes all buildings, structures, and accessory buildings. Lot coverage does not include driveways, roof overhangs, open decks, porches and/or walkways unless covered.

18.05.060 - Development Standards for Keeping Animals in Residential Zone Districts.

(1) *Care requirements for large animals.*

- a. Large animals shall include, but are not limited to, horses, mules, donkeys, cows, llamas, and alpacas.
- b. The minimum lot or parcel size for large animals is as follows:

- i. One full acre: two large animals;
 - ii. Two full acres: three large animals;
 - iii. Three full acres: four large animals;
 - iv. Four full acres or more: one full acre for the first two large animals and one full acre for each additional large animal.
- (3) Any structure housing any large animals shall be no closer than 20 feet from any property line and no closer than 40 feet from any dwelling unit on any adjoining property.
- (4) Water troughs for large animals shall not be permitted to run continually causing overflows or flooding of the property.
- (5) All facilities on the property for large animals, including, but not limited to structures, confinements, fences, pastures, and feed storage shall be maintained in a clean and sanitary condition; animal waste shall not be permitted to accumulate on the property and shall be properly disposed of by the property owner; no nuisances, including, but not limited to odors, dust, vermin, noise and vectors shall be permitted; damages done to any neighbor's fence shall be repaired by the large animal owner.
- (6) Off-spring from a large animal kept on the property are permitted on the property up to one year of age before such off-spring are considered in the allowable large animal count. Large animals under one year of age that are not off-spring from a large animal kept on the property must be counted toward the total allowable large animal limit.
- (7) No large animal shall be allowed to run at large off the property.
- (2) *Care requirements for medium animals.*
 - a. Medium animals shall include, but are not limited to goats, sheep, pigs, and turkeys.
 - b. The minimum lot or parcel size for medium animals is as follows:
 - i. One full acre: four medium animals;
 - ii. Two full acres: six medium animals;
 - iii. Three full acres: eight medium animals;
 - iv. Four full acres or more: one full acre for the first four medium animals and one full acre for every additional two medium animals.
 - a. Any structure housing any medium animals shall be no closer than 20 feet from any property line and no closer than 40 feet from any dwelling unit on any adjoining property.
 - b. Water troughs for medium animals shall not be permitted to run continually causing overflow or flooding of the property.
 - c. All facilities on the property for small animals including structures, confinements, fences, pastures and feed-storage shall be maintained in a clean and sanitary condition; animal waste shall not be permitted to accumulate on the property and shall be properly disposed of by the property owner; and no nuisances, including, but not limited to odors, dust, vermin and noise shall be permitted.

- d. Off-spring from medium animals kept on the property are permitted on the property up to eight weeks of age before such off-spring are considered in the allowable medium count. Medium animals under eight weeks of age that are not off-spring from a medium animal kept on the property must be counted toward the total allowable medium animal limit.
- e. No medium animal shall be allowed to run at large off the property.

(3) *Care requirements for small animals and fowl (excluding chickens which is addressed in 18.05.060(4)).*

- a. Small animals and fowl include, but are not limited to, ducks, geese, and rabbits.
- b. The minimum lot size for small animals or fowl shall be 10,001 square feet. No more than five small animals or fowl shall be permitted if the lot or parcel is less than one acre in size. Ten additional small animals or fowl are permitted for each one acre of lot size.
- c. Any structure housing any small animals or fowl shall be no closer than 20 feet from any property line and no closer than 40 feet from any dwelling unit on any adjoining property.
- d. All facilities on the property for small animals and fowl, including structures, confinements, fences, pastures and feed-storage shall be maintained in a clean and sanitary condition; animal waste shall not be permitted to accumulate on the property and shall be properly disposed of by the property owner; and no nuisances, including, but not limited to odors, dust, vermin, noise and vectors shall be permitted.
- e. Off-spring from a small animal or fowl kept on the property are permitted on the property up to six months of age before such off-spring are considered in the total allowable small animal or fowl count. Small animals or fowl under six months of age that are not off-spring from a small animal or fowl kept on the property must be counted toward the total allowable small animal or fowl limit.
- f. No small animals or fowl shall be allowed to run at large off the property.
- g. Peacocks are not be permitted on any property in Town.

(4) *Care requirements for chickens.*

- a. There shall be a maximum of six hens allowed and the property must be 5,000 square feet or larger.
- b. Rooster chickens shall only be permitted on properties of two acres or larger within the town.
- c. A chicken coop shall only be located in the rear or side yard and must be at least 15 feet from a neighboring structure meant to be occupied.
- d. Chickens shall not be permitted to range outside of the rear or side yards of the property and they shall be further protected by being enclosed in a chicken coop from dusk until dawn.
- e. Chicken feed shall be kept within the residence or garage so that it can be secured from rodents or other wildlife.
- f. No processing of chickens may occur outside of the residence or garage.
- g. Minimum coop design and maintenance standards:

- i. Chicken coops and runs shall be maintained in a clean fashion to prevent odors and chicken manure shall be removed and stored in a sealed container or removed from the property immediately.
- ii. The footprint of a chicken coop and enclosed run shall not exceed 120 square feet. The maximum height of the chicken coop shall be eight feet. A chicken coop shall either have a raised floor a minimum of two feet, or must incorporate hardware cloth that has openings one-half inch or less throughout the mesh which is buried to a minimum of one foot around the perimeter of the coop.
- iii. Chicken coops and runs shall be completely enclosed with wire or other material to contain the chickens and prevent wildlife intrusion.
- iv. Coops must be predator proof, with adequate ventilation and adequate sun and shade.

(5) *Enforcement.* Enforcement of this Section 18.05.060 shall be in accordance with Section 18.16.040 of this Zoning Code.

Chapter 18.06
TABLE OF USES – NONRESIDENTIAL ZONE DISTRICTS
18.06.010 - Table of Nonresidential Uses.

Table of Uses

Permission Codes by Zone
Districts

P = Permitted Use
S = Special Use
C = Conditional Use
* = Not Allowed

Table of Nonresidential Uses

Uses	CH	IC	CP	MD	LI	HI	ID
Adult Entertainment Establishment (18.02.070)	*	*	*	*	S	*	*
Ambulance Services	*	*	P	*	P	*	P
Amphitheater (18.02.100)	*	*	P	P	P	*	P
Automotive Sales and Repair, Major (18.02.110)	*	*	S	*	P	P	P
Automotive Sales and Repair, Minor (18.02.120)	*	*	P	*	P	*	P
Bar or Tavern (18.02.130)	P	P	P	P	P	*	*
Bed and Breakfast (18.02.140)	P	P	P	P	*	*	*
Bulk Storage of Dangerous Materials (18.02.160)	*	*	*	*	P	P	P
Bulk Storage of Liquefied Petroleum Gas (LPG) (18.02.165)	*	*	S	*	P	P	P
Child Care Center (18.02.170)	P	*	P	P	C	*	C
Church (18.02.175)	P	*	P	P	P	*	*
Commercial Parking Lots (18.02.185)	*	*	*	*	P	*	P
Family Child Care Home (18.02.290)	*	*	*	*	*	*	*
Fire Station	*	*	P	*	P	*	P
Funeral Home (18.02.330)	*	*	P	*	P	*	*
Gas Station (18.02.340)	*	P	P	S	P	*	*
Gravel and Mineral Extraction or Processing	*	*	*	*	*	S	*
Heavy Industrial (18.02.370)	*	*	*	*	S	P	S
Home Occupation (18.02.390)	*	*	*	*	*	*	*
Hospital (18.02.400)	*	*	P	*	P	*	P
Hostel (18.02.410)	S		*	*	*	*	*
Hotel/Motel/Lodging Establishment (18.02.420)	*	P	P	P	S	*	*
Intermediate Health Care Facility (18.02.430)	*	*	P		P	*	P
Medical and Dental Offices and Clinics (18.02.480)	P	P	P	P	P	*	*
Medical Marijuana Caregiver Operations	*	*	*	*	*	S	*
Nightclub (18.02.510)	S	S	S	S	S	*	*
Nursing Care Facility (18.02.530)	*	*	P	P	P	*	P

Office (18.02.550)	P	P	P	P	P	*	P
Outside Storage	*	*	*	*	C	C	C
Park (18.02.600)	*	*	S	P	S	*	S
Pet Animal Facility (18.02.620)	*	*	S	S	P	*	P
Playground (18.02.660)	S	S	S	P	*	*	S
Recreation Center (18.02.670)	S	S	P	P	P	*	P
Recreation Facility, Indoor (18.02.680)	S	S	P	P	P	*	P
Recreation Facility, Outdoor (18.02.690)	*	S	P	P	P	*	P
Recreational Vehicle Park (18.02.700)	*	*	*	*	*	*	*
Recycling Facility (18.02.710)	*	*	*	*	S	P	S
Residential Dwelling Unit	S	P	P	P	S	*	S
Restaurant (18.02.720)	P	P	P	P	S	*	S
Retail Establishment (18.02.730)	P	P	P	P	P	*	P
Salvage or Wrecking Yard (18.02.740)	*	*	*	*	S	P	*
Self-Service Storage Facilities (18.02.750)	*	*	*	*	P	*	*
Truck Stop (18.02.810)	*	S	*	*	S	*	*
Veterinary Facilities, Small Animal Clinic (18.02.830)	*	*	S	S	P	*	*
Veterinary Clinic (18.02.840)	*	*	S	*	P	*	*
Warehouse and Distribution (18.02.850)	*	*	*	*	P	*	*
Wireless Telecommunications Equipment (18.02.860)	*	C	C	C	C	C	C
Wireless Telecommunications Facility (18.02.870)	*	*	S	*	S	S	S

Chapter 18.07
TABLE OF USES—RESIDENTIAL ZONE DISTRICTS
18.07.010 - Table of Residential Uses.

Table of Uses

Permitted Codes by Zone District

P = Permitted Use
S = Special Use
C = Conditional Use
L = Limited Use
* = Not Allowed

Table of Residential Uses

Uses	MHP	MF	SF/			RR	AG
			HD	MD	LD		
Single-Family Dwelling Unit	P	*	P	P	P	P	P
Accessory Dwelling Unit (18.02.040) (18.10.040)	*	*	L	L	L	L	L
Duplex (18.02.240)	*	P	*	*	*	S	P
Multifamily, excluding Duplex (18.02.500)	*	P	*	*	*	*	*
Group Home, Aged (18.02.350)	*	P	P	S	*	S	*
Group Home, Developmentally Disabled/Mentally III (18.02.360)	*	P	P	P	P	P	P
Intermediate Health Care Facility (18.02.430)	*	S	*	*	*	*	*
Nursing Care Facility (18.02.530)	*	S	*	*	*	*	*
Accessory Building (18.02.030)	C	*	P	P	P	P	P
Alcoholic Beverage and Medical Marijuana Operations	*	*	*	*	*	*	*
Ambulance Services	*	*	*	*	*	S	S
Bed and Breakfast (18.02.140)	*	*	*	*	S	S	S
Bus Stop	P	P	P	P	P	P	P
Child Care Center (18.02.170)	S	S	S	S	S	P	P
Church, with or w/o Dwelling Unit (18.02.175)	*	P	P	P	P	P	P
Commercial Farming/Commercial Greenhouse	*	*	*	*	*	S	P
Country Club	*	*	*	P	P	P	P
Family Child Care Home (18.02.290)	S	S	S	P	P	P	P
Fire Station	S	S	*	*	S	S	P
Home Occupation (18.02.390)	C	*	C	C	C	C	C
Hostel (18.02.410)	*	S	S	S	*	*	*
Keeping Large Animals (18.05.060(1); see 18.05.060(1)(b) for minimum lot size)	*	*	*	*	P	P	P
Keeping Small Animals or Fowl (excluding chickens) (18.05.060(3); see 18.05.060(3)(c) for minimum lot size)	*	*	*	S	P	P	P
Keeping Chickens (18.05.060(4); see 18.05.060(4)(1) for minimum lot size)	*	*	P	P	P	P	P
Laundromat	P	P	*	*	*	*	*

Manufactured Home (18.02.470)	P	P	P	P	P	P	P
Mobile Home (18.02.490)	P	*	*	*	*	*	*
Noncommercial Greenhouse	P	P	P	P	P	P	P
Park (18.02.600)	P	P	P	P	P	P	P
Pet Animal Facility (18.02.620)	*	*	*	*	*	S	S
Playground (18.02.660)	P	P	P	P	P	P	P
Recreational Vehicle Park (18.02.700)	S	*	*	*	*	*	*
Riding Academy/Dude Ranch	*	*	*	*	*	S	S
Sale of Produce/Plants raised on the premises	*	*	*	C	C	P	P
Sawmill, not more than 2 acres	*	*	*	*	*	*	S
School, Public or Private	*	P	P	P	P	P	P
Satellite Dish, Residential	P	P	P	P	P	P	P
Solar Energy Devices, Residential	P	P	P	P	P	P	P
Wind Energy Devices, Residential	C	C	C	C	C	C	P
Water Reservoir	*	C	C	C	C	C	P
Wireless Telecommunication Equipment (18.02.860)	*	*	*	*	*	S	S
Wireless Telecommunication Facility (18.02.870)	*	*	*	*	*	*	S

(1) To protect the public health, safety, and welfare of those persons occupying dwelling units in the Town of Gypsum, it is necessary to establish maximum standards for the number of persons that may occupy a dwelling unit. The following standards shall apply to each dwelling unit in every residential zone district

- a. Within every dwelling unit in the Town of Gypsum adequate habitable space shall be provided for each of the occupants of the dwelling unit. A "family" (section 18.02.280(2)) that is a domestic relationship based upon birth, marriage, adoption or guardianship shall be limited to the owner(s) or tenant(s) occupying the dwelling unit who are parents or guardians; their children by blood or marriage or adoption; any person for whom an owner(s) or tenant(s) acts as legal guardian; and any person who is a parent of either the father or mother of such children or legal guardian (hereinafter collectively referred to as "immediate family"). There shall be one bedroom in the dwelling unit for the occupancy of every two members of the immediate family. A "bedroom" for purposes of this provision and section 18.02.280 shall require a door, a closet, an egress window and a smoke alarm. Other persons who may be related by blood or by marriage to the owner(s) or tenant(s) of the dwelling unit shall not be considered members of the immediate family for purposes of this provision.
- b. Except when authorized as a group home under Title 18 or otherwise allowed by state or federal law, the occupancy of any dwelling unit within any residential zone district by any number of persons in excess of the limitations set forth in Section 18.02.280 is also prohibited.

(2) Commercial farming/commercial greenhouse and sawmill uses shall not be allowed for property zoned AG in the following subdivisions: Eagle River Preserve, Hatzenbeller, High

Chaparral Ranch or for any property zoned AG in the future unless such uses are specifically granted by the town council at the time of annexation or in the subdivision process.

Chapter 18.10

ACCESSORY USES

18.10.030 - Fences.

No barbed wire and no electrically charged fence shall be erected or maintained in any residential district, except Rural Residential (RR), Agricultural (AG), nor shall such a fence be erected or maintained in a Commercial Historical District (CH), an Interstate Commercial District (IC), a Commercial Professional District (CP), or Market District (MD). Erection of such a fence in a Developing Resource District (DR), an Institutional District (ID), a Light Industrial District (LI), or a Heavy Industrial District (HI) shall be permitted.

Chapter 18.11

NONCONFORMING USES AND STRUCTURES

18.11.030 – Repairs; Replacement for Involuntary Damage or Destruction.

- (1) *Repairs.* Any nonconforming structure may be repaired whenever such repairs are necessary to the convenient use and efficient operation of such structure, whether due to normal upkeep and maintenance needs.
- (2) *Replacement.* A nonconforming structure that is involuntarily damaged or destroyed in any manner may be reconstructed substantially as it previously existed. Any expansion or extension of such structure shall be subject to the standards governing expansions, alterations and enlargements in Section 18.11.020. Nothing in this subsection shall be deemed to permit the reconstruction or reestablishment of all or any part of a nonconforming use that has been voluntarily demolished, damaged or destroyed.

18.11.040 - Discontinuance.

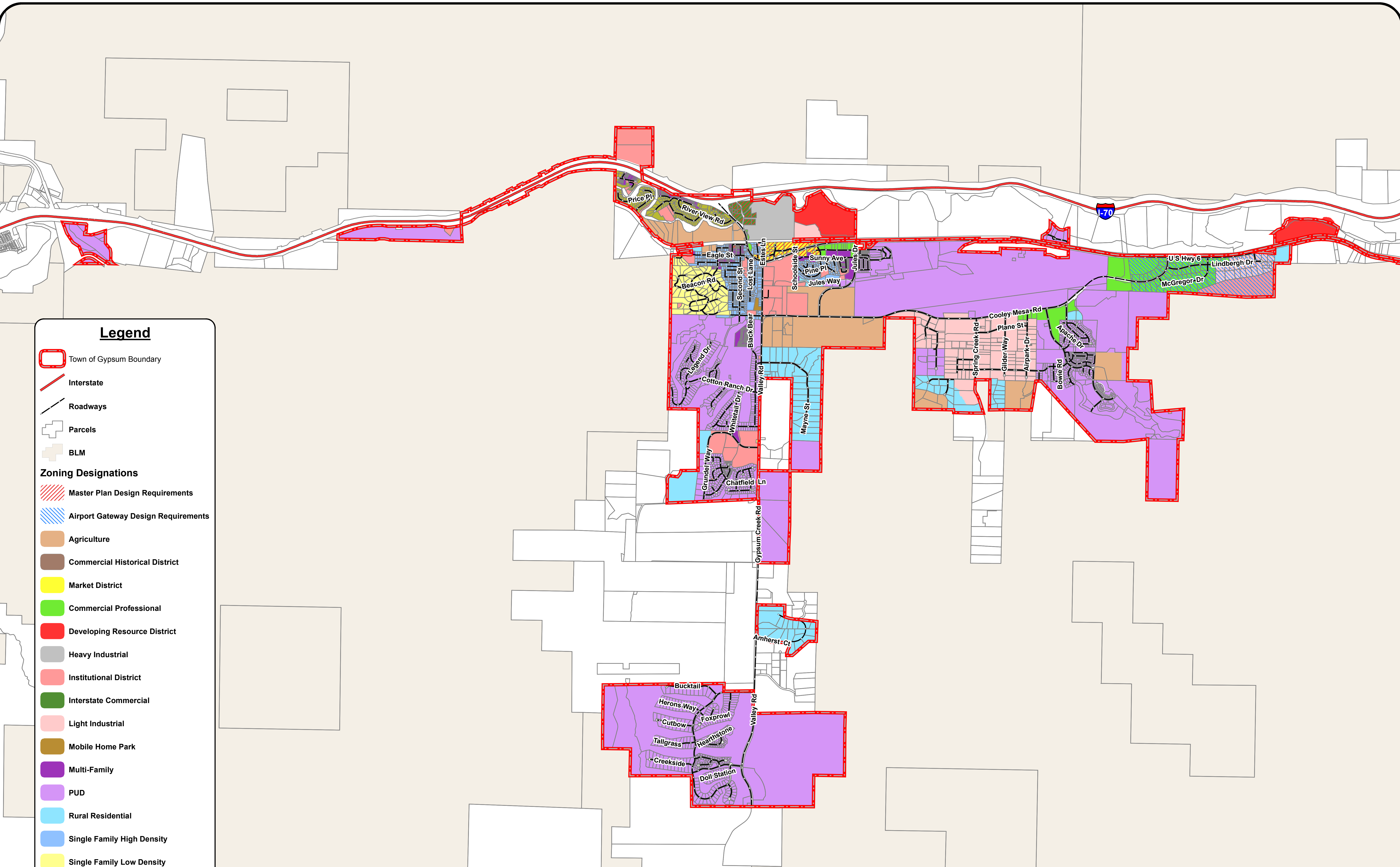
When any nonconforming use has been discontinued for a period of 12 months, regardless of any intent to resume operations or if the use is discontinued as a result of a change in ownership of the property, such use shall not thereafter be resumed and any future use of the premises shall be in conformance with the provisions of the land use code. Notwithstanding the foregoing, a nonconforming use in need of repairs or involuntary replacement may be discontinued for more than 12 months and shall not be deemed to be discontinued pursuant to this Section provided that a building permit is issued within 12 months from the event that caused the need for the repair or replacement and the repair or replacement is completed within 12 months from issuance of the building permit.

Legend

-  Town of Gypsum Boundary
-  Interstate
-  Roadways
-  Parcels
-  BLM

Zoning Designations

-  Master Plan Design Requirements
-  Airport Gateway Design Requirements
-  Agriculture
-  Commercial Historical District
-  Market District
-  Commercial Professional
-  Developing Resource District
-  Heavy Industrial
-  Institutional District
-  Interstate Commercial
-  Light Industrial
-  Mobile Home Park
-  Multi-Family
-  PUD
-  Rural Residential
-  Single Family High Density
- Single Family Low Density
- Single Family Medium Density



This is the Official Zoning District Map of the Town of Gypsum, Colorado
 Adopted pursuant to Ordinance No. 06 (Series 2019), approved on
 August 13, 2019, and referred to in Title 18 of the Gypsum Municipal Code

By:

Steve Carver, Mayor

By:

Danette Schlegel, Town Clerk

