

TOWN OF GYPSUM, COLORADO

ORDINANCE NO. 09 SERIES 2025

AN ORDINANCE OF THE TOWN OF GYPSUM, COLORADO AMENDING TITLE 15 OF THE GYPSUM MUNICIPAL CODE WITH RESPECT TO BUILDING AND ARCHITECTURAL DESIGN REQUIREMENTS

A. The Town of Gypsum (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town’s Home Rule Charter effective October 21, 1982 (the “Charter”).

B. 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.

C. Chapter 15.03 authorizes design requirements for all building construction and exterior remodeling, excluding interior remodels and changes in use, to be approved by one or more design review boards.

D. Section 15.03.070 provides for the appointment of design review boards by the Town Council and Section 15.03.080 provides for procedures for design review, including appeals of decision.

E. The Council desires to revise Chapter 15.03 to provide consistency between design review boards, provide clear requirements for appointment of their members, and modify appeal procedures to streamline the process of appeals.

NOW, THEREFORE, be it ordained by the Town Council of the Town of Gypsum, Colorado that:

Section 1. Amendment of Section 15.03.070 of the Code. Section 15.03.070 of the Code is hereby deleted in its entirety and replaced with the following language:

“15.03.070 - Appointment of design review boards.

The members of the design review board shall be appointed by the Town Council. The design review board shall verify building plan compliance with subdivision-specific design requirements. Each member shall be appointed for a term of four years ending in May or until the member’s successor takes office. Terms shall be staggered so that four

members are appointed in one cycle and three members in the next cycle of appointments.

- (1) Design review boards shall consist of seven members. Each member must be a resident of the town, preference will be given to applicants with a background in the fields of architecture, building, landscaping, engineering, and/or planning. One member of a design review board shall be an elected member of the Town Council. Whenever a vacancy occurs, the Council shall cause public notice of such vacancy to be made and encourage qualified volunteers to seek appointment.
- (2) Annually, at the first regular meeting in June, a design review board shall elect from its membership a chairperson and vice-chairperson, with each being eligible for reelection. At the same meeting, the design review board shall appoint a design review board secretary for the purpose of keeping minutes of all meetings, for notifying all members of times and dates of meetings, and for keeping files and records.
- (3) The chairperson shall preside at all meetings of the design review board and shall decide all points of order and procedure. The chairperson shall also certify compliance with the subdivision specific design guidelines as provided in the Planning and Zoning resolution adopting such design regulations.
- (4) The vice-chairperson shall assume the duties of the chairperson in the absence of the chairperson. Should the vice-chairperson and the chairperson be absent from a meeting or public hearing, a majority of the members of the design review board in attendance shall appoint a member to serve as the presiding officer for that meeting or public hearing.
- (5) The design review board secretary shall transmit to the chairperson all official correspondence received by the town which may require consideration or action by the design review board.
- (6) The Town Council may replace any member of a design review board if that member misses more than three consecutive meetings and the absences are unexcused.
- (7) Regular meetings shall be held upon notice as required by Colorado Law, on such days and at such times as set from time to time. Special meetings may be called as necessary by the chairperson or a majority of the members of the design review board at any regular meeting or upon 24 hours actual notice to all members, and such other notice as required by Colorado law. Attendance by a member at any meeting shall constitute conclusive

evidence of adequate notice. Any member may waive the actual notice requirement for special meetings at any time.

- (8) Any meeting at which a quorum of the design review board is expected to be in attendance shall be held only after posting no less than 24 hours in advance of the meeting, an agenda of the meeting. A posted meeting agenda may be amended by a majority vote of the members in attendance.
- (9) No official action may be taken at a meeting unless a quorum is present. A majority of the members present must vote in the affirmative on a motion for the motion to pass. If a member recuses himself or herself and there is then no quorum, no vote shall then be taken.

Section 2. Amendment of Section 15.03.080 of the Code. The last sentence of section 15.03.080 of the Code is hereby modified by deletion of the stricken text and insertion of the underlined text as follows:

~~“Applications for variances may be made to the planning and zoning commission with the procedures described in section 18.16.070 and denial Denial~~ of a building permit based on the building and architectural guidelines may be appealed in accordance with the procedures described in section ~~15.01.130~~ 18.16.050.

Section 3. Addition of a new Section 15.03.090 of the Code. A new Section 15.03.090 of the Code is hereby added as follows:

“15.03.090 - Imposition of fees.

The Town Council may by resolution establish the fees to be imposed for applications for any review and approval of building plans with subdivision specific design requirements under this chapter. The Town Council may also delegate to the Town Manager or their designee, the authority to set fees for such applications and to recover for the Town the expenses incurred in processing such applications or any action required under this title. Any fee collected with the application shall be for the Town’s administrative expenses in processing the application, whether the application is granted or denied. Any costs and expenses the Town may incur for professional services, engineering services, publication costs, recording fees, or similar expenses for such application shall be paid by the applicant in addition to the fee collected with the application.

Section 4. Amendment of Section 18.16.050(a) of the Code. The first sentence of Section 18.16.050(a) of the Code is hereby modified by deletion of the stricken text and insertion of the underlined text as follows:

“(a) Appeals. Any Person, with standing, adversely affected by a Final Action of either the Planning Director, or Planning Staff or a design review board may appeal such Final Action to the Board of Adjustment pursuant to this Section 18.16.050.”

Section 5. Public Inspection. Copies of this Ordinance and the Gypsum Municipal Code are available for public inspection at the office of the Gypsum Town Clerk.

Section 6. Public Hearing. A public hearing on this Ordinance shall be held on the 24th day of June 2025, at 7:00 p.m. at the Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado.

Section 7. 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 24th day of June, 2025, at 7:00 p.m. at the Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado.

Section 8. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.