

**TOWN COUNCIL
TOWN OF GYPSUM, STATE OF COLORADO**

ORDINANCE NO. 12 (SERIES 2025)

**AN ORDINANCE OF THE TOWN OF GYPSUM, COLORADO, AMENDING TITLE 15
OF THE GYPSUM MUNICIPAL CODE WITH RESPECT TO FLOOD DAMAGE
PREVENTION**

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"); and

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

C. Chapter 15.04 of the Gypsum Municipal Code ("Code") was adopted by the Town Council on June 27, 2023, for flood damage prevention based on special flood hazard areas designated by the Federal Emergency Management Agency ("FEMA") from their Flood Insurance Study ("FIS") Report and Flood Insurance Rate Map ("FIRM"); and

D. FEMA has since revised the FIS Report and FIRM for Eagle County, Colorado and Incorporated Areas, effective January 9, 2026, in compliance with Title 44, Chapter 1, Part 67, Section 67.11, Code of Federal Regulations; and

E. The Council desires to revise Chapter 15.04 of the Code to comply with federal regulations and the revised FIS and FIRM for the protection and safety of its residents.

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

Section 1. Amendment of Section 15.04.090 of the Code. Section 15.04.090 of the Code is hereby amended as follows to delete the stricken-through text and add the double-underlined and capitalized language:

15.04.090 Flood insurance study and rate map adopted by reference.

The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "~~The Flood Insurance Study for Eagle County, Colorado and Incorporated Areas,~~" including ~~the Town of Gypsum, effective December 4, 2007~~ "FLOOD INSURANCE STUDY, EAGLE COUNTY, COLORADO AND INCORPORATED AREAS; EFFECTIVE JANUARY 9, 2026", with accompanying FIRMS and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

Section 2. Amendment of Section 15.04.100 of the Code. Sections 15.04.100(13) and (21) of the Code are hereby amended as follows to delete the stricken-through text and add the double-underlined and capitalized language:

15.04.100 Definitions.

(13) ~~Flood insurance rate map or FIRM~~FLOOD INSURANCE RATE MAP OR FIRM means the official map of the town, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(21) *Floodway or regulatory floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. THE COLORADO STATEWIDE STANDARD FOR THE DESIGNATED HEIGHT TO BE USED FOR ALL NEWLY STUDIED REACHES SHALL BE ONE-HALF FOOT (SIX INCHES). LETTERS OF MAP REVISION TO EXISTING FLOODWAY DELINEATIONS MAY CONTINUE TO USE THE FLOODWAY CRITERIA IN PLACE AT THE TIME OF THE EXISTING FLOODWAY DELINEATION.

Section 3. Amendment of Section 15.04.120 of the Code. Section 15.04.120(4) of the Code is hereby amended as follows to delete the stricken-through text and add the double-underlined and capitalized language:

Section 15.04.120 Flood Hazards – Specific Standards.

(4) Designs for meeting ~~this requirement~~THE REQUIREMENT IN PARAGRAPH (3) OF THIS SECTION must either be certified by a registered Colorado professional engineer or architect or meet or exceed the following minimum criteria:

- (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (b) The bottom of all openings shall be no higher than one foot above grade.
- (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Section 4. Amendment of Section 15.04.210 of the Code. A new section (10) is hereby added and the previous section (10) is hereby amended to section (11) as follows to delete the stricken-through text and add the double-underlined and capitalized language:

Section 15.04.210 Town Engineer – Duties.

(10) FOR WATERWAYS WITH BASE FLOOD ELEVATIONS FOR WHICH A REGULATORY FLOODWAY HAS NOT BEEN DESIGNATED, NO NEW CONSTRUCTION, SUBSTANTIAL IMPROVEMENTS, OR OTHER DEVELOPMENT (INCLUDING FILL) SHALL BE PERMITTED WITHIN ZONES A1-30 AND AE ON THE COMMUNITY'S FIRM, UNLESS IT IS DEMONSTRATED THAT THE CUMULATIVE EFFECT OF THE PROPOSED DEVELOPMENT, WHEN COMBINED WITH ALL OTHER EXISTING AND ANTICIPATED DEVELOPMENT, WILL NOT INCREASE THE WATER SURFACE ELEVATION OF THE BASE FLOOD MORE THAN ONE-HALF FOOT AT ANY POINT WITHIN THE COMMUNITY.

~~(10)~~ (11) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, the town may approve certain development in zones A or AE on the town's FIRM that would result in an increase in base flood elevations, provided that the town first applies for a CLOMR through FEMA.

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 9th day of September 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 23rd day of September, 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.