

GRANBY CODE UPDATE

UPDATES TO SECTIONS (Clean Version)

JANUARY 8, 2026

Fees (Section 3.30):

Sections:

3.30.010: Subdivision, planned unit development, and other land use and related applications

3.30.020: Annexations

3.30.010 Subdivision, developments, zoning, and other land use and related applications

- a) The Board of Trustees may establish, by resolution, a schedule of fees, deposits, and cost-recovery charges applicable to zoning, land use, development, and other applications and approvals, including but not limited to rezonings, site plans, subdivisions, planned unit developments, grading, excavation, variances, special reviews, amendments, extensions, and related reviews and inspections. All applicable fees shall be submitted at the time that the land use or other application is submitted to the town for consideration. If the town clerk or manager or Director of Community Development anticipate that the expenditures relating to a particular application may exceed the established fees, the town may require the applicant to deposit an additional sum of money with the town clerk to cover such estimated costs in advance. Such deposit shall be made with the town clerk within 10 days of notification by the town and the consideration of the application shall be postponed until such deposit is received. Any surplus will be refunded to the applicant and any deficiency will be paid by applicant. Those fees shall cover all costs and expenditures, including but not limited to attorney's fees, engineer's fees, surveyor's fees, planner's fees and other hired personnel providing services for the town with respect to that particular subdivision, planned unit development, conditional use permit, variance, zoning, rezoning or other matter described above. Such costs shall also include a charge per hour for review by town employees, including but not limited to town manager, town planner, town clerk, town treasurer, town water superintendent, town street supervisor, managerial assistant, recreation director, and staff assistant. Such per-hour charge shall include the salary and the costs associated with all employee benefits provided and all other expenses incurred by the town in connection with each employee. The hourly charge for each employee shall be established by resolution adopted by the town board from time to time. Failure of an applicant or petitioner to pay such fees as directed by the town shall result in the immediate suspension of the review process by the town, including cancellation of any scheduled hearings.

Nor shall any building permits, certificates of occupancy or other town approvals be issued or granted until all such amounts are paid in full. The board of trustees may waive the fees provided for herein, in whole or in part, if it determines that imposition of such fees would create an undue hardship on the petitioner or applicant or it determines that such waiver is in the best interests of the town. The fees collected by virtue of this section shall not be used for general or other governmental proprietary purposes of the town. The fees charged herein shall be used solely to pay the costs of planning, review, processing, administration, renewal, or other services provided by the town on behalf of or as a result of the application. In addition, all petitioners or applicants may be required to execute, as a condition and at the time of the filing of the application, an agreement for reimbursement with the town, binding the petitioner or applicant to pay the costs and fees set forth in this section.

- b) The schedule of fees, deposits and cost-recovery charges provided for in this section may be amended from time to time by resolution of the Board of Trustees.
- c) All fees adopted pursuant to this section shall be reasonably related to the Town's costs of processing, reviewing, administering, and enforcing the applicable application or approval.

3.30.020 Annexations

For any annexation of property to the town of Granby that is not initiated by the board of trustees, the petitioner shall, at the time such application for annexation is made, pay to the town clerk a fee as established by resolution of the Board of Trustees. For any pre-annexation contract, an additional fee shall be paid in advance equal to the town's anticipated costs for attorneys, engineers, surveyors or other actual anticipated expenditures. Annexation fees, including deposits to cover costs in excess of established fees, may be waived by the Granby board of trustees, if it is deemed in the best interest of the town. An additional fee may be required, if the town determines that its expenditures will be above the established fees. In that case, the town shall require the petitioner or applicant to immediately deposit a sum of money with the town clerk to cover such estimated costs. Those costs shall include expenditures for attorney's fees, engineer's fees, surveyor's fees, planner's fees and other hired personnel providing services for the town, with respect to the annexation. Such costs shall also include a charge per hour for review by town employees, including but not limited to town manager, town planner, town clerk, town treasurer, town water superintendent, town street supervisor, managerial assistant, recreation director, and staff assistant. Such per-hour charge shall include the salary and the costs associated with all employee benefits provided and all other expenses incurred by the town in connection with each employee. The hourly charge for each employee shall be established by resolution adopted by the town board from time to time. Failure of an applicant or petitioner to pay such fees as directed by the town shall result in the immediate suspension of the review process by the town, including cancellation of any scheduled hearings. Nor shall any building permits, certificates of

occupancy or other town approvals be issued or granted until all such amounts are paid in full. The board of trustees may waive the fees provided for herein, in whole or in part, if it determines that imposition of such fees would create an undue hardship on the petitioner or applicant or it determines that such waiver is in the best interests of the town. The fees collected by virtue of this section shall not be used for general or other governmental proprietary purposes of the town, except to pay for each new development's equitable share of the cost of accounting, planning, management, administration and government of the town. Other than as described above, the fees charged herein shall be used solely to pay the costs of planning, operation, administration, maintenance, repair, improvement, renewal, replacement, reconstruction or other services provided by the town on behalf of or as a result of new development within the town. In addition, all petitioners or applicants shall be required to execute, as a condition and at the time of the filing of the application, an agreement for reimbursement with the town, binding the petitioner or applicant to pay the costs and fees set forth in this section. The fees, deposits, and cost-recovery charges provided for in this section may be amended from time to time by resolution of the Board of Trustees.

Excavations Within Roads, Rights-Of-Way, and Other Public Places (Section 12.05):

Sections:

- 12.05.010: Authority
- 12.05.020: Permit Required - Specifications
- 12.05.030: Application
- 12.05.040: Permit Fee and Reimbursement Agreement
- 12.05.050: Completeness Review
- 12.05.060: Review by Town Engineer
- 12.05.070: Bond Required
- 12.05.080: Commencement and Completion
- 12.05.090: Barricades and Lights
- 12.05.100: Width and Minimum of Inconvenience to Public
- 12.05.110: Sidewalks and Gutters Clear
- 12.05.120: Cutting Pavement
- 12.05.130: Penalty
- 12.05.140: Permit Form
- 12.05.150: Permit Exceptions

12.05.010 Authority

All work on any excavation, cut, trench or opening in or under any street, sidewalk, curb, gutter, curbside, alley or other public place within the Town limits and on streets owned and maintained by the Town shall be done only on authority of a permit issued by the Community Development Department or its authorized agent or designee.

12.05.020 Permit Required – Specifications

a) It shall be unlawful for any person, other than those under contract with the Town, to excavate, cut open or trench in or under any street, sidewalk, curb, gutter, curbside, alley or other public place without having first obtained a permit from the Director of Community Development or their designee. The permit shall contain rules and regulations which shall be fully complied with by the applicant. The permit provided by the Town on the Town's website shall be used for the permit, and modifications may be made to the permit form upon approval by the Director of Community Development or their designee. No permit shall be issued nor any work begun after October 15th nor before May 1st of each year. Notwithstanding the foregoing, where the Director of Community Development or their designee finds an emergency exists that endangers the immediate health, safety, and welfare of the public or extenuating circumstances which could be remediated by issuance of a permit, the Director of Community Development or their designee may issue a permit for work to occur between October 15th

and May 1st. The applicant shall verify the authority having jurisdiction prior to submission of their application.

b) **Permit Exceptions:** No permit is required from the Town to excavate, cut, open or trench in or under any street, sidewalk, curb, gutter, curbside, alley or other public place that the Town is not obligated to maintain. Where a person desires to excavate, cut, open or trench in or under any street, sidewalk, curb, gutter, curbside, alley or other public place that the Town is not obligated to maintain, the person shall follow the rules, regulations, and permit requirements of the entity or entities responsible for maintaining such street, sidewalk, curb, gutter, curbside, alley or other public place.

12.05.030 Application

Every person desiring to do any of the said excavation work shall apply through the Town's online portal to the Director of Community Development or their designee for a permit therefor, by filing an application. The application shall include the following:

- (1) The completed application form including the applicant's name and address and identifying the length, width, and depth of the proposed excavation, cut, opening or trench
- (2) A vicinity map
- (3) Project plan map, depicting the boundaries of the property and the locations of the planned excavation activities
- (4) Engineered plans for any utilities
- (5) Utility company permit(s) / approvals
- (6) CDOT permit (if required)
- (7) A traffic control plan showing signage, detours, and safety measures, in conformance with the Manual on Uniform Traffic Control Devices.
- (8) A pedestrian control plan
- (9) Restoration / reclamation plan
- (10) Scope of work statement and schedule, including start date, duration, significant milestones, and anticipated end date
- (11) Purpose of the excavation

All applications for permits must be received by the Director of Community Development or their designee no later than September 15th.

12.05.040 Permit Fee and Reimbursement Agreement

A permit fee shall be paid to the Town prior to the issuance of excavation permits pursuant to this chapter. The permit fee may be revised by resolution of the Board of Trustees. In addition to the permit fee the applicant shall execute a reimbursement agreement with the Town (Section 16.15.60.30).

12.05.050 Completeness Review

Within 10 calendar days after receipt of an excavation permit application, at the discretion of the Town, the Director of Community Development or their designee shall complete a Completeness Review to determine whether the submittal includes all items required based on compliance with the submittal requirements herein.

- (i) Application is Not Complete. If the application is found to be not complete, the Director of Community Development or their designee shall inform the applicant of the deficiencies in writing and the timeline for approval resets. No additional action shall be taken on the application until the deficiencies are remedied. If the applicant does not provide a complete set of application documents within 10 calendar days, the application shall be deemed void, all fees paid to the Town shall be surrendered and all reimbursement expenses due to the Town shall be paid.
- (ii) Application is Complete. If the application is complete, the Director of Community Development or their designee shall certify it as complete and provide written notice to the applicant including the date of determination of completeness.

12.05.060 Review by Town Engineer

At the discretion of the Town, the Town Engineer shall review the completed application within 10 calendar days. If the application is approved, the applicant shall post a surety bond and letter of credit (Section 12.05.070). If the application ~~applicant~~ is not approved, the applicant shall respond to comments from the Town Engineer and resubmit the revised application for a Completeness Review per Section 12.05.050.

12.05.070 Bond Required

Every person applying for an excavation permit and prior to the issuance thereof shall file with the Director of Community Development or their designee a surety bond, letter of credit, cashier's check or other security instrument acceptable to the Town, in its sole discretion, in the amount of not less than \$10,000 and conditioned upon (a) the faithful performance of such work in strict compliance with this code and other specifications, rules, regulations and ordinances of the Town and within the specified time limit; (b) successful completion of a two-year warranty period or extensions thereof during which time the work performed in connection with the permit shall survive free of defects, and (c) such person will indemnify and save harmless the Town against any and all damages or claims for damages, losses, costs, charges or expenses that may be brought against the Town by any person by reason of such work. The bond or other security shall be discharged or released upon completion of the work, review and approval of said work by the Director of Community Development or their designee, a sworn statement by the applicant that he has done the work in strict compliance with this code and other specifications, rules and regulations and ordinances of the Town of Granby, and successful completion of the two-year

warranty period or any extension thereof. In the event that upon inspection by the Director of Community Development or their designee the work is not approved or if at any time during the warranty period a defect in the work is discovered or becomes evident, then the two-year warranty shall be extended until a date two years after the date such work is repaired or corrected to the satisfaction of the Town Engineer. The Town reserves the right to increase the amount of the surety bond, letter of credit, cashier's check or other security instrument acceptable to the Town above \$10,000, depending on the scope of work anticipated with the proposed excavation permit.

12.05.080 Commencement and Completion

All work authorized by a permit issued pursuant to this chapter shall be commenced within a reasonable time after issuance of the permit and shall be diligently and continuously performed until completion. Each permit issued pursuant to this chapter shall remain valid for a period of one hundred twenty (120) calendar days from the date of issuance, unless extended by written confirmation from the Director of Community Development or their designee. Extensions to permits shall not exceed 60 calendar days. All work shall conform to permit conditions and Town standards as defined in the Public Works Manual and the Town Code. The construction process shall be coordinated with the Director of Community Development or their designee. In the event that weather, process of law, or any other unexpected obstacles to the work cause it to be stopped for so long a time that public travel shall be unreasonably obstructed, the Director of Community Development or their designee may order the excavation refilled and repaved as if the work contemplated in the permit was actually completed.

12.05.090 Barricades and Lights

Every person making or causing to be made any excavation shall keep the excavation barricaded at all times, and, between the hours of sunset and sunrise, he shall keep such excavation properly lighted so as to warn all persons thereof. For all work involving an unattended hole exceeding six (6) inches in depth, the placement of a concrete barrier surrounding the unattended hole shall be required.

12.05.100 Width and Minimum of Inconvenience to Public

No opening or excavation shall be undercut or have a greater width at the bottom than at the top. In no case shall more than one-half of the width of any street, alley or other public place be opened or excavated at any one time, and, in all cases, one-half of such street, alley or other public place shall remain untouched for the accommodation of traffic until the other one-half is restored for safe use. All such work shall be performed in such a way as to cause minimum inconvenience and restrictions to the public and to both pedestrian and vehicular traffic.

12.05.110 Sidewalks and Gutters Clear

It shall be unlawful for any person to perform any excavation or to place any dirt or other materials upon any sidewalk or in any gutters and such work shall be performed so as to permit the free passage of water along the gutters.

12.05.120 Cutting Pavement

In any excavation work on or under any paved street, the pavement must be cut with an asphalt spade. The use of a backhoe in cutting the pavement is expressly prohibited. The width of all cuts in the pavement shall be sufficient so that all excavation in or under any paved street can be accomplished without disturbing or lifting the surrounding pavement.

12.05.130 Penalty

Any person who violates this chapter shall be subject to forfeiture of his bond or other security and a fine not exceeding the maximum penalty set forth in GMC 1.05.090.

12.05.140 Permit form

The permit application required by this chapter shall be provided on the Town's website or through the Town's designated online portal. A permit shall be issued by the Town upon approval of the application and shall be made available at the primary work site.

1. Any excavation, cut, trench or opening in or under any paved street shall be repaired with asphalt substantially similar to that used in the original pavement of the street but no less than six (6) inches in depth. The asphalt and backfill shall have proper compaction of ninety-five percent (95%), tested and approved by a certified person at Permittee's expense. A copy of the testing results must be provided to the Town of Granby.
2. In any excavation work on or under any paved street, the pavement must be cut with an asphalt spade or cutting wheels. The use of a backhoe in cutting the pavement is expressly prohibited. The width of all cuts in the pavement shall be sufficient so that all excavation in or under any paved street can be accomplished without disturbing or lifting the surrounding pavement.
3. No opening or excavation shall be undercut or have a greater width at the bottom than at the top. In no case shall more than one-half of the width of any street, alley or other public place be opened or excavated at any one time, and, in all cases, one-half of such street, alley or other public place shall remain untouched for the accommodation of traffic until the other one-half is restored for safe use. All such work shall be performed in such a way as to cause minimum inconvenience and restrictions to the public and to both pedestrian and vehicular traffic. All ditches must be dug pursuant to OSHA requirements.

4. While the excavation and related work is in progress, the Town or its authorized agent or designee shall be entitled to, but not obligated to, inspect the work and the surrounding area and the Permittee shall cooperate fully with such inspection.

5. UPON COMPLETION OF THE WORK INVOLVED (INCLUDING RECLAMATION WORK), THE PERMITTEE MUST NOTIFY THE TOWN OF GRANBY OF THE COMPLETION. As part of this notification, the permittee shall submit to the Director of Community Development or their designee a punch list identifying any outstanding or unsatisfactory work for the Director of Community Development or their designee to review. Within ten (10) days of such notification a designated employee of the Town of Granby shall inspect the area covered by this Permit and ascertain whether or not the requirements of Chapter 12.05 GMC or the terms of this Permit shall have been fully complied with. The inspection shall also include a review of items noted on the punch list provided by the Permittee to the Town. The inspection may include a site visit conducted by the Director of Community Development or their designee to verify the completion of the applicant's proposed scope of work as identified in the excavation permit. The Town Engineer and Public Works staff shall confirm the work has been completed pursuant to the requirements of the permit and this Code. Permittee will be notified by letter that the Town has inspected the excavation and approved the work. Permittee will be required to extend the date of the Bond or other form of security to cover the two (2) year warranty period.

6. The Permittee shall provide a revegetation plan for the property to be completed after the completion of the excavation process. The Permittee shall provide this revegetation plan to the Director of Community Development or their designee and obtain approval from the Director of Community Development-or their designee before completing the revegetation project. The Permittee shall provide photos of the completed revegetation project and provide access for the Town staff to inspect the revegetation project area for completeness.

7. If the Permittee has fully complied with the permit, and Chapter 12.05 GMC, his bond, Letter of Credit or other form of security shall be released at the end of the two year warranty period provided that the work survives the two year warranty period without defect. The refund must be requested, in writing, by the Contractor from the Town of Granby. The bond, Letter of Credit, or other form of security shall be forfeited if the work does not comply with Chapter 12.05 GMC or with the terms and conditions of the permit. In the event that a defect in the work is discovered or becomes evident during the two (2) year warranty period, then the two (2) year warranty period shall be extended until a date two (2) years after the date such work is repaired or corrected to the satisfaction of the Town and the Bond, Letter of Credit or other form of security shall not be released until completion of the extended warranty period. If necessary the security shall be renewed or extended to cover the additional warranty period.

Grading, Excavation, Clearing, and Fill Permits and Regulations (Section 15.11):

Sections:

- 15.11.010 Permit required.
- 15.11.020 Exempted work.
- 15.11.030 Application for a grading permit.
- 15.11.040 Fees and Reimbursement Agreement
- 15.11.050 Approval Process for Minor Grading Permits
- 15.11.060 Approval process for Major Grading Permits
- 15.11.070 Requirements for a minor grading permit application.
- 15.11.080 Requirements for a major grading permit application.
- 15.11.090 Hazards.
- 15.11.100 Environmental hazards.
- 15.11.110 Fill material.
- 15.11.120 Erosion and sedimentation control.
- 15.11.130 Permit fee.
- 15.11.140 Valid period.
- 15.11.150 Display of permit.
- 15.11.160 Bonds.
- 15.11.170 Trench safety systems required.
- 15.11.180 Construction and site work restrictions.
- 15.11.190 Completion of work associated with major or minor grading permits

15.11.010 Permit required.

Except as specified in this chapter, no person shall do any grading, excavation, clearing or fill without first obtaining a grading permit from the Director of Community Development or their designee. A separate permit shall be obtained for each site and may cover both excavations and fills. Any excavation, cut, trench or opening in or under any street, sidewalk, curb, gutter, curbwalk, alley or other public place shall be made pursuant to and in compliance with Chapter 12.05 GMC.

15.11.020 Exempted work.

(a) A grading permit is not required for the following:

(1) When a separate building permit, covering the anticipated grading activities, is obtained from the Director of Community Development or their designee.

(2) When approved by the Director of Community Development or their designee, grading in an isolated, self-contained area if there is no danger to private or public property.

(3) An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from this excavation.

(4) Excavations for wells or utilities.

(5) Mining, quarrying, excavating, processing or stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law; provided, that such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.

(6) Exploratory excavations under the direction of soil engineers or engineering geologists.

(7) A fill less than 20 cubic yards on any one lot or lots; provided, that the fill does not obstruct a drainage course, encroach on a floodway or floodplain, or exceed two feet in vertical dimension.

(8) Clearing of vegetation less than 900 square feet and not exceeding two (2) feet vertical depth.

(9) An excavation or fill less than two feet in depth with side slopes not steeper than three feet horizontal to every one foot in vertical dimension and not exceeding 200 cubic yards.

(b) Exemption from the permit requirements of this section shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this section or any other laws or ordinances of the town.

15.11.030 Application for a grading permit.

(a) An application for a grading permit is required for any grading in excess of 20 cubic yards or any excavation or fill in excess of two feet in depth. The application shall be made for either a minor or a major grading permit. All applications shall be submitted to the Director of Community Development or their designee.

(b) A minor grading permit shall be required in the following instances:

(1) If the excavation or fill exceeds 20 cubic yards and is less than 1,000 cubic yards with a maximum vertical dimension of less than two feet.

(2) If the excavation or fill is less than 20 cubic yards and its vertical dimension exceeds two feet and does not exceed four feet vertical depth.

(3) If the clearing of vegetation exceeds 900 square feet, is less than 20,000 square feet, and does not exceed two feet vertical depth.

(c) A major grading permit shall be required whenever the excavation or fill exceeds 200 cubic yards or greater than four feet in vertical dimension, or when clearing exceeds 20,000 square feet.

15.11.040 Fees and Reimbursement Agreement

Any applicant to the Town for a minor or major grading permit shall pay a base fee, as established by resolution of the Board of Trustees, for the review and processing of an application. In addition, the applicant shall execute a reimbursement agreement with the Town (Section 16.15.60.30).

15.11.050 Approval Process for Minor Grading Permits

Within five (5) calendar days after receipt of a grading permit application, the Director of Community Development or their designee shall complete a Completeness Review to determine whether the submittal includes all items required for a minor grading permit based on compliance with the submittal requirements herein.

(i) Application Is Not Complete. If the application is found to be not complete, the Director of Community Development or their designee shall inform the applicant of the deficiencies in writing and the timeline for approval resets. No additional action shall be taken on the application until the deficiencies are remedied. If the applicant does not provide a complete set of application documents within 10 calendar days, the application shall be deemed void, all fees paid to the Town shall be surrendered and all reimbursement expenses due to the Town shall be paid.

(ii) Application Is Complete. If the application is complete, the Director of Community Development or their designee shall certify it as complete and provide written notice to the applicant including the date of determination of completeness. The Director of Community Development or their designee shall then review the completed application. If the application satisfies Town requirements, the Director of Community Development or their designee shall issue the minor grading permit within 14 calendar days. If the application does not satisfy Town Requirements, the Director of Community Development or their designee shall send a written notice informing the applicant of the denial and the reasons for the denial.

The Town may place conditions upon the approval of a major grading permit. The permittee may challenge a denial of a permit or any of the conditions of approval for a permit established by the Director of Community Development or their designee in a public hearing before the board of trustees. Said hearing must be requested in writing by the permittee within 14 calendar days two weeks of the decision by the Director of Community Development Department or their designee and shall be held within 60 days of the request for hearing.

15.11.060 Approval process for Major Grading Permits

Within five (5) calendar days after receipt of a grading permit application, the Director of Community Development or their designee shall complete a Completeness Review to determine whether the submittal includes all items required for a major grading permit, as set forth in the Town's application checklist and GMC section 15.11.080.

(i) Application Is Not Complete. If the application is found to be not complete, the Director of Community Development or their designee shall inform the applicant of the deficiencies in writing and the timeline for approval resets. If the applicant does not provide a complete set of application documents within 10 calendar days, the application shall be deemed void, all fees paid to the Town shall be surrendered and all reimbursement expenses due to the Town shall be paid.

(ii) Application Is Complete. If the application is complete, the Director of Community Development or their designee shall certify it as complete and provide written notice to the applicant including the date of determination of completeness. The Director of Community Development or their designee shall then review the completed application within 14 calendar days, after which the Director of Community Development or their authorized agent or designee shall either issue the major grading permit or provide written comments to the applicant.

(iii) If the Director of Community Development or their designee provides comments on an application, the applicant must respond to the comments or resubmit an application within 30 calendar days.

(iv) The Director of Community Development or their designee shall provide comments regarding the first resubmittal of an application for a major grading permit within 10 calendar days, after which the Director of Community Development or their designee shall either issue the major grading permit or provide additional comments to the applicant.

(v) In the event an applicant does not adequately respond to all comments of the Director of Community Development or their designee in the first resubmittal of the application, thereby resulting in a second resubmittal of the application, the applicant must pay all accrued reimbursement expenses to date, prior to resubmission (for the second resubmittal). The Director of Community Development or their designee shall provide written comments to the applicant and the applicant shall have a maximum of 30 calendar days to submit a second resubmittal. The Director of Community Development or their designee shall either issue a permit based upon the information provided in the second resubmittal from the applicant or deny the second resubmittal within 10 calendar days. If the application does not satisfy Town Requirements following the second resubmittal of the application, the Director of Community Development or their designee shall send a written notice informing the applicant of the denial and the reasons for the denial. The applicant must also pay additional review fees of \$150 to the Town prior to the continuance of the review process for the second resubmittal of the application. Following a denial of an application following the second resubmittal of an application, the applicant shall have the option of appealing the ruling to a hearing before the Board of Trustees. In addition, The Town may place conditions upon the approval of a major grading permit and the applicant may challenge any of these conditions in a public hearing before the Board of Trustees. Appeals hearings concerning the denial of an application or appealing conditions tied to an approval of an application, must be requested in writing by the permittee within 14 calendar days of the Town's decision and shall be held within 60 days of the request for hearing. A separate fee may be imposed for the appeals process.

15.11.070 Requirements for a minor grading permit application.

(a) Each application for a minor grading permit shall be accompanied by a plan in sufficient clarity to indicate the nature and extent of the work. The plan shall give the location of the work, the name of the owner, the name of the person who prepared the plan and a construction sequence outlining the proposed timetable for completion of the grading and revegetation. The plan shall also include the following information:

- (1) A statement outlining the purpose for the proposed minor grading permit.
- (2) General vicinity of the proposed site.
- (3) Limiting dimensions and depth of the cut and/or fill, and the slope of the area to be filled and graded.
- (4) Location of any building or structure within 15 feet of the proposed grading.
- (5) Location, size and depth of all existing utilities and easements on the proposed site.
- (6) Location of all natural features, such as watercourses, on the proposed site or within 100 feet of the graded area.
- (7) A temporary erosion and sedimentation control and permanent revegetation plan.
- (8) Photos of existing conditions of the site.

15.11.080 Requirements for a major grading permit application.

(a) Each application for a major grading permit shall be submitted through the Town's online portal and shall be accompanied by a reimbursement agreement, two sets of engineered plans and specifications, supporting data and a construction sequence outlining the proposed timetable for completion of the grading and revegetation. The plans shall contain the following information:

- (1) A statement outlining the purpose for the proposed major grading permit.
- (2) Address or parcel ID of the property
- (3) General vicinity of the proposed site.
- (4) Location of the work.
- (5) A north arrow.
- (6) Scale.
- (7) Street labels.

- (8) Name of the owner.
- (9) Name of the person who prepared the plan.
- (10) Property limits and accurate contours of existing ground and details of terrain and area drainage.
- (11) Photos of existing conditions of the site.
- (12) Limiting dimensions, elevation or finish contours to be achieved by the grading, and proposed drainage channels and related construction.
- (13) Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structure on the land of adjacent owners that are within 15 feet of the property or that may be affected by the proposed grading operations.
- (14) Recommendations included in the soils engineering report shall be incorporated in the grading plans and specifications.
- (15) Location, size and depth of all existing utilities and easements on the proposed site.
- (16) Location of all natural features, such as watercourses, on the proposed site.
- (17) A soils engineering report. The soils engineering report required shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and an opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.
- (18) A temporary erosion and sedimentation control and permanent revegetation plan.
- (19) A CDPHE stormwater permit for construction activities over one acre shall be provided if applicable.

15.11.090 Hazards.

Whenever the Director of Community Development or their designee determines that any existing excavation or embankment or fill has become a hazard to life or limb, endangers property or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the Town, shall within the period specified therein repair or eliminate such excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this code.

15.11.100 Environmental hazards.

Off-site fill material shall be free of environmentally hazardous materials. Applicants for a permit shall ensure the Town that fill material hauled from an off-site location is free of environmental contaminants. The source of fill material shall be identified prior to application for a grading permit. If directed by the Town, the applicant shall have testing performed on a representative sample of the fill material to determine if environmentally hazardous materials are present in the fill.

15.11.110 Fill material.

Detrimental amounts of organic material shall not be permitted in fills. No rock or similar irreducible material with a maximum dimension greater than 12 inches shall be buried or placed in fills unless included and approved as part of a grading permit. All fills shall be compacted to a minimum of 90 percent of maximum density.

15.11.120 Erosion and sedimentation control.

The applicant conducting the grading activity shall install and maintain temporary and permanent erosion and sedimentation control measures. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted.

15.11.130 Permit fee.

Applicants for a permit under this chapter shall pay the required and necessary fees to the Town before the issuance of such permit. The fees for such permits shall be established by ordinance and may be amended from time to time thereafter, by resolution of the board of trustees.

15.11.140 Valid period.

All grading permits shall be valid for six months from the date the permit is issued; provided, that the approved application and the conditions of its approval have not changed. The Director of Community Development or their designee may grant a one-time extension of the expiration of the permit of 90 days if requested in writing by the applicant. No more than two grading permits shall be issued for one parcel of land within a three-year period.

15.11.150 Display of permit.

Each permit issued under this chapter shall be kept at the grading site while the work is in progress and shall be exhibited upon request to any employee of the town.

15.11.160 Bonds.

The town shall require bonds in such forms and amounts as may be deemed necessary to ensure that the work, if not completed in accordance with the approved plan and specifications, will be corrected to eliminate hazardous conditions and reestablish vegetation. The Town shall require bond amounts of no less than \$3,000 per acre for major grading permits.

15.11.170 Trench safety systems required.

(a) A trench safety system shall be provided for any trench within the town which exceeds a depth of five feet and in which any person is required or permitted to enter for any reason. A trench safety system shall include sufficient benching, shoring, shielding, sloping or other safety method if approved in writing in advance by the town engineer to ensure the safety of a person within the trench. A “trench” shall mean any manmade cut, cavity or depression in the ground formed by earth removal in which the depth of the excavation is greater than its width, but the width of the excavation is not greater than 30 feet.

(1) “Benching” shall mean excavating the sides of a trench to form a series of horizontal levels or steps as approved by a registered professional engineer sufficient to ensure the safety of any person within the trench.

(2) “Shielding” shall mean the use of a trench box or shield approved by a registered professional engineer and designed to ensure the safety of any person within the trench.

(3) “Shoring” shall mean the installation of aluminum hydraulic or other appropriate supports to prevent soil movement and cave-ins of a trench.

(4) “Sloping” shall mean the sides of the trench are cut or excavated to an angle not steeper than 1.5:1 (for every foot of depth, the trench must be excavated back one and one-half feet). Sloping may not be utilized where the excavated materials consist of sand or gravel.

(b) In addition to the penalties provided for in GMC 15.11.140, where a trench is part of or related in any manner to any construction that has been permitted by the town, a town code enforcement officer, law enforcement officer or building official, based upon the reasonable belief a violation of this section has occurred, may immediately issue a stop work order for such construction.

15.11.180 Construction and site work restrictions.

(a) Construction Restrictions. Grading, excavating or filling pursuant to a permit granted by this chapter shall only be allowed on the outside of any commercial or residential structure between the hours of 8:00 a.m. and sunset, Monday through Friday, and 8:00 a.m. to 5:00 p.m., Saturday and Sunday.

(b) Site Work Restrictions. Site work that prepares any property for improvements, or that creates any improvements on the property, shall be allowed only between the hours of sunrise and sunset, Monday through Friday, and 8:00 a.m. to 6:30 p.m., Saturday and Sunday.

(c) Construction and Site Work Exception. The town manager may grant an exception to the above work hours for specific activities permitted by this chapter to occur outside of the above-specified work hours. The grant of exception may be conditioned upon compliance with rules and conditions as specified by the town manager to minimize the impacts of such construction activities.

(d) Penalty. It shall be unlawful for any person to violate, disobey, omit, neglect, refuse or fail to comply with or resist the enforcement of any provision of this chapter, and the violation of any provision of this chapter shall be punishable as set forth in GMC 1.05.090. Additionally, any person convicted of a violation of this chapter may be required to replace the graded, excavated or filled land to its original condition.

15.11.190 Completion of work associated with major or minor grading permits

Upon completion of the work outlined in the permit (for either a major or minor grading permit), the applicant shall notify the Director of Community Development or their designee in writing that the work is completed. The applicant shall provide pictures of the completed work as part of this notification to the Director of Community Development or their designee. The Director of Community Development or their designee reserves the right to conduct a site inspection of the project following the receipt of the notification of completion from the applicant. The applicant shall pay any remaining outstanding reimbursement fees as a condition of the Director of Community Development or their designee determining that the project is complete.

Administrative Process (Section 16.15.60):

Sections:

16.15.60.010 Purpose.

16.15.60.020 Applications and Fees

16.15.60.030 Reimbursement Agreements

16.15.60.010 Purpose.

The purpose of this section is to define administrative process functions common to numerous processes listed within the Code, including the following: Applications; Fees; Reimbursement Agreements; and Completeness Reviews.

16.15.60.020 Applications and Fees

The various sections within the Code articulate the requirements for different functions within the Code (variances, plats, etc.). The Town's website shall include application forms that shall be downloaded, completed with content, and signed. The applicant shall submit the completed application form along with the required fees and all required application materials. The Town shall require that applications be officially submitted through an online portal, with links to the online portal available on the Town's website.

The applicant shall pay upfront administrative fees to cover the costs of the time spent by Town staff (Town Manager, Town Clerk, etc.) in reviewing and administering applications, permits, and related actions outlined in the Code. The Town shall publish a current schedule of fees and make it available on the Town's website. The fees may be amended by resolution of the Board of Trustees.

16.15.60.030 Reimbursement Agreements

The applicant shall sign a reimbursement agreement with the Town prior to the submittal of an application, for functions specified in the Code. The reimbursement agreement shall hold the applicant responsible for the payment of consultant time and expenses incurred in the review of applications, review and oversight of permit activities, and time spent administering other activities specified in the Code (such as site visits to verify the completion of required improvements).

Section 16.15.060.50: Pre-Application Meetings:

Sections:

- 16.15.060.50.10: Purpose of Pre-Application Meetings
- 16.15.060.50.20: Submittal Requirements for Pre-Application Meetings
- 16.15.060.50.30: Follow-Up to Pre-Application Meetings

Section 16.15.060.50.10: Purpose of Pre-Application Meetings

All applications to the Town of Granby involving the following actions require the scheduling and completion of a Pre-Application Meeting with the Director of Community Development or their designee.

- Variance – Section 16.20
- Amendments (Zoning) – Section 16.25
- Review of Conditional Use Permit Applications (Sections 16.105.010 and 16.105.015)
- Planned Development Overlay District (PDOD) – Section 16.90
- Site Plan Review – Section 16.125.180
- Sketch Plan – Section 17.20.020
- Preliminary Plat – Section 17.20.030
- Final Plat – Section 17.20.040
- Resubdivision – Section 17.35
- Minor Subdivision – Section 17.40
- Condominiums / Townhomes – Section 17.55
- Annexation (Section 16.140)

The purpose of Pre-Application Meetings is to review and clarify submittal requirements for potential applications and to provide relevant information to potential applicants to help avoid delays in the Town's consideration of applications.

Applicants shall contact and coordinate with the Director of Community Development or their designee to schedule a Pre-Application Meeting based on the availability of the Applicant and Town staff and consultants.

Section 16.15.060.50.20: Submittal Requirements for Pre-Application Meetings

No later than five (5) business days prior to a scheduled Pre-Application Meeting, the potential applicant shall submit to the Town the following documents and exhibits for review by the Town:

1. Town of Granby Application for Pre-Application Meeting

2. Contact information for the development team and primary contact information (to include the project's Surveyor, Civil Engineer, and Design Team)
3. Written narrative of the scope of the development, to include the following:
 - a. Parcel number, address, owner, and size (in square feet or acres)
 - b. Existing zoning
 - c. PDOD governing parcel (if applicable)
 - d. HOA governing parcel (if applicable)
 - e. Proposed use / occupancy
 - f. Proposed scope of work
4. Schematic plan of the site and proposed development to include:
 - a. Vicinity map
 - b. Parcel map
 - c. Overall site plan
 - d. Project Summary, including zoning, acreage, building coverage, and parking count
 - e. Easements
 - f. Existing utilities
 - g. Existing streets and rights of way
 - h. Intent or strategy to provide utility connections
 - i. Anticipated locations of utility connections
5. Survey / Topographical Exhibits
6. A list of specific questions the applicant has for the Town and / or its consultants

The potential applicant is encouraged (but not required) to provide the following additional information (if available):

- Architectural Renderings
- Drainage Reports / Drainage Plan
- Traffic Count Data, Traffic Analyses, or Traffic Reports
- Supplemental Information / Reports

Section 16.15.050.30: Follow-Up to Pre-Application Meetings

Within one week of the completion of the Pre-Application Meeting, the Director of Community Development or their designee shall provide a written Pre-Application Summary document that will include:

1. Summary of potential issues to be resolved for the potential project, as described in the Pre-Application Meeting
2. Feedback regarding the compatibility of the potential project with the Town of Granby Comprehensive Plan
3. Applicable Municipal Code references

4. Submittal Requirements and Timeframes for the potential application
5. Links to application forms and application fees
6. Summaries of any additional staff comments

Board of Adjustment and Variances (Section 16.20):

Sections:

- 16.20.010 Creation of board of zoning adjustment.
- 16.20.020 Membership and organization.
- 16.20.030 Duties of the board of zoning adjustment.
- 16.20.040 Powers of the board of zoning adjustment.
- 16.20.050 Variance application submittal package.
- 16.20.060 Variance Approval Process
- 16.20.070 Standards for the grant or denial of variances.
- 16.20.080 Procedure and disposition of cases.
- 16.20.090 Appeals from the Board of Zoning Adjustment.

16.20.010 Creation of board of zoning adjustment.

A board of zoning adjustment (BZA) is hereby created and shall be appointed by the Board of Trustees of the Town of Granby.

16.20.020 Membership and organization.

(a) The Board of Trustees of the Town of Granby shall appoint by majority consent a five-member board of zoning adjustment, the members of which shall be residents of the Town of Granby. The terms of office of the members of the board of zoning adjustment shall be for a period of four years. Upon expiration of a member's term, the Board of Trustees may reappoint such member or appoint a new member by majority consent. When a vacancy is created the Board of Trustees of the Town of Granby shall fill such vacancy by majority consent and such member shall serve the unexpired term of his predecessor in office. The secretary to the BZA shall either be one of the members or the town clerk, town manager or a member of the town's clerical staff. The BZA members shall select, from among themselves, a chairperson, a vice-chairperson and, if so desired, a secretary.

(b) Members of the BZA shall be immediately replaced by the Board of Trustees to fill unexpired terms should the following occur:

- (1) Notice of resignation;
- (2) Death or incapacity of a BZA member;
- (3) More than two consecutive absences from a convened BZA meeting.

16.20.030 Duties of the board of zoning adjustment.

The duties of the board of zoning adjustment are:

- (a) To meet at the call of the chairperson, by his/her request or by the request of the building official or town clerk, or by any party wishing to appeal the decision of the same as provided in GMC 16.20.070.
- (b) To adopt any rules necessary to transact the BZA's business or to expedite its functions or powers so long as they are not inconsistent with the provisions of this chapter.
- (c) To vote upon the granting of an adjustment to requirements of this title, which vote must require the concurrence of more than one-half of the members of the BZA in order to revise an order of the Director of Community Development or their designee.
- (d) To keep minutes and records of votes, submitted documents, exhibits, etc., of the proceedings of each meeting, which shall be filed in the office of the board, which may designate the Director of Community Development or their designee to keep such files, and which shall be of public record.
- (e) To permit the public to attend and to be heard at all of its meetings.
- (f) To notify in writing the town clerk and the owner involved and the Board of Trustees of all decisions made, resolutions passed, hearings scheduled or permits authorized.

16.20.040 Powers of the board of zoning adjustment.

- (a) The board shall have all powers granted to it by Section 31-23-307, C.R.S.
- (b) The board shall have the power to interpret this chapter, including any uncertainty as to district boundary locations, or meaning of wording, so long as this interpretation is not contrary to the purpose and intent of this chapter.
- (c) The board of adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end has all the powers of the officer from whom the appeal is taken. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this title, the board of adjustment has the power, in passing upon appeals, to vary or modify the application of the regulations or provisions of this title relating to the use, construction, or alteration of buildings or structures, or the use of land, so that the spirit of this title is observed, public safety and welfare secured, and substantial justice done. Where feasible, the board of adjustment may vary or modify the application of the regulations for the purpose of considering access to sunlight for solar energy devices.

16.20.050 Variance application submittal package.

The submittal package for a variance application shall consist of the following, detailing the specific plan requested for the variance:

- (a) Application cover sheet and a written narrative describing the variance desired;
- (b) Site plan drawing at appropriate and legible scale showing legal parcel description and dimensions, structure and use locations and location or delineation of variance desired on the zone lot;
- (c) List of property owners within 300 feet of the application parcel boundary;
- (d) The applicant shall provide to the town clerk or their designee proof of posting mailing by the applicant of the notice to the appropriate surface owners, mineral owners and lessees of mineral rights, and owners of land within 300 feet of the parcel property line as their names appear upon the plats and records in the Grand County clerk and recorder's office, within two business days of the date of mailing of the notice and no later than fifteen (15) calendar days before the scheduled date of the BZA hearing.
- (e) Development schedule;
- (f) Any other information required by the BZA to review the application;
- (g) Specified filing fee payment;
- (h) Proof of ownership.
- (i) Specific plans relevant to the variance
- (j) Specific relief sought relative to the standards listed in Section 16.20.60.

Filing fees.

The Board of Trustees shall set a filing fee for variance applications to cover general administrative costs. In addition, the applicant will also pay the costs of notice, publication, mailings and any recording fees.

16.20.060 Variance Approval Process:

Except for conditional uses (which require review and approval by the Granby Planning Commission and the Board of Trustees), variances shall be reviewed as follows:

(i) Pre-Application Meeting: The applicant shall attend a Pre-Application Meeting with the Town to review the requirements for the submittal of a request for a variance and discuss issues relevant to the variance request. See Section 16.15.060 for additional details concerning Pre-Application Meetings.

(ii) Fees and Reimbursement Agreement:

Any applicant requesting a variance shall pay a base fee as established by resolution of the Board of Trustees for the review and processing of the application. In

addition, the applicant shall execute a reimbursement agreement with the Town (Section 16.15.60.30).

(iii) Completeness Review: The Director of Community Development or their designee shall determine whether the application is complete based on compliance with the submittal requirements herein. Such determination shall be made within ten (10) calendar days of receipt of the application, at which time the Director of Community Development or their designee shall issue one of the following determinations:

(1) Application Is Not Complete. If the application is not complete, the Director of Community Development or their designee shall inform the applicant of the deficiencies in writing and the timeline for approval resets. No additional action shall be taken on the application until the deficiencies are remedied. If the applicant does not provide a complete set of application documents within sixty (60) calendar days, the application shall be deemed void, all fees paid to the Town shall be surrendered and all reimbursement expenses due to the Town shall be paid. Upon resubmittal of an application determined to be incomplete, the Director of Community Development or their designee shall conduct a subsequent completeness review within ten (10) calendar days.

(2) Application Is Complete. If the application is determined to be complete, the Director of Community Development or their designee shall certify such determination in writing and provide notice to the applicant, including the date of completeness.

- (iv)** In the event an applicant submits a new or revised variance request after the original application, such submittal shall be considered a new application and the process shall begin anew with the determination of application completeness review. The submittal of a new or revised variance request after the original application shall initiate a re-starting of the calendar of deadlines (for the applicant and for the Town) for the approval process for the variance in accordance with this section of the code.
- (v)** The Town staff shall issue a memorandum to the BZA recommending an approval or denial of the variance application.
- (vi)** In consultation with the Town Clerk, the BZA shall establish the date of hearing with the BZA for the application to occur no less than twenty (20) calendar days after the date the Town staff issues a unified memorandum to the BZA recommending an approval or denial of the application.
- (vii)** The applicant shall provide to the town clerk or their designee proof of posting mailing by the applicant of the notice to the appropriate surface owners, mineral owners and lessees of mineral rights, and owners of land within 300 feet of the

parcel property line as their names appear upon the plats and records in the Grand County clerk and recorder's office, within two business days of the date of mailing of the notice and no later than fifteen (15) calendar days before the scheduled date of the BZA hearing. The applicant shall also post notification signs (provided by the town clerk) on the site and shall provide photo evidence of the posting no later than fifteen (15) calendar days before the scheduled date of the BZA hearing.

(viii) Any final determination of the BZA shall be reported in writing over the signature of the chair person of such board. The BZA shall notify the Director of Community Development or their designee, and the property owner involved, and the Board of Trustees of all decisions made, resolutions passed, hearings scheduled or permits authorized.

16.20.070 Standards for the grant or denial of variances.

(a) The BZA may grant a variance if all of the following are found to exist:

(1) Peculiar and exceptional practical difficulties or an unnecessary and unreasonable hardship will be imposed on the property owner if the provisions of this title are strictly enforced.

(2) Circumstances creating the hardship were created through no fault of the appellant.

(3) That the property has unique or special physical characteristics that prevent reasonable use under the requirements of the applicable zoning regulations. These circumstances may include unique topography such as steep slopes, water bodies, wetlands, or other natural features that are atypical within the community or within other properties in the same zone district.

(4) That the variance, if granted, will not diminish the value, use or enjoyment of the adjacent properties, nor curtail desirable light, air and open space in the neighborhood, nor change the character of the neighborhood.

(5) The variance, if granted, will not be directly contrary to the intent and purpose of this title or the Granby Comprehensive Plan.

(b) Under no circumstances shall a variance be granted on the sole basis of personal convenience, profit or special privilege to the applicant.

(c) Under no circumstance shall the BZA grant a variance to allow a use not permissible under the terms of this title in the appropriate zone district.

(d) Variances shall be granted only with respect to specific plans. Unless otherwise specified by the BZA, a variance may be transferred to successive owners prior to construction if no changes are made to the

approved plan and shall run with the land after the construction of any authorized structure or structures and only for the life of such structures.

(e) Variances are not appropriate to accommodate the particular limitations, characteristics, habits, or hobbies of the owner or occupants of the property. The fact that a zoning regulation would effectively prevent an owner from engaging in a particular hobby would not justify the granting of a variance to the regulation.

(f) The BZA may condition the granting of a variance on the issuance of a building permit within a specific time period and may require the applicant to pursue completion of the construction with due diligence. If such conditions are not satisfied, the variance shall become null and void.

(g) The BZA may impose any other condition upon the grant of a variance, including, without limitation, those categories of conditions which may be placed upon conditional use permits.

16.20.080 Procedure and disposition of cases.

(a) The BZA shall adopt bylaws and rules of procedure that shall be approved by the Board of Trustees.

(b) The BZA shall act in strict accordance with all of the applicable laws of the state of Colorado and the Town of Granby. All appeals to the BZA shall be in writing and on such form as shall be prescribed by it. Every appeal shall indicate what provisions of this chapter are involved, what relief from these provisions is being sought, and the grounds upon which such an appeal is being sought, as required in GMC 16.20.060. The chairman of the BZA shall then, within 20 days, call a meeting of the BZA for the purpose of review of the requested appeal.

(c) It is the intent of this title that all questions of interpretation and enforcement shall be first presented to the Director of Community Development or their designee and that such questions shall be presented to the BZA only on appeal from the decision of the enforcement office. In some instances specifically stated in these zoning regulations, the BZA is not an appellate body.

(d) Appeals to the BZA concerning interpretation or administration of this title may be taken by any person aggrieved or by any officer or bureau of any government agency affected by any decision of the Director of Community Development or their designee. The Director of Community Development or their designee shall forthwith transmit to the BZA all papers constituting the record upon which the action appealed from was taken.

(e) An appeal stays all proceedings in furtherance of the action appealed from, unless the Director of Community Development or their designee from whom the appeal is taken certifies to the BZA, after the notice of appeal is filed with the Director of Community Development or their designee, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be

granted by the BZA or by a court of record on application, on notice to the Director of Community Development or their designee from whom the appeal is taken and on due cause shown.

(f) Every decision of the BZA on any case shall be by record resolution indicating the reasons of the BZA for the decision.

(g) The final disposition of any appeal of the enforcement ruling before the BZA shall be in the form of a resolution either affirming, reversing or modifying the ruling. If a resolution fails to receive four votes in favor of the appellant upon appeal or of the applicant for a variation from the zoning regulations, the action will be deemed equivalent to a denial and a resolution denying such application or appeal shall be formally entered upon the record unless there is a member absent at the roll call and unless the vote of each absent member added to those voting for an applicant or appellant would equal four, in which case the matter will be laid over for hearing before the full BZA.

(h) No request to grant a rehearing will be entertained unless new evidence is submitted which could not have been, with due diligence, presented at the previous hearing or at least one year has passed since the previous application or appeal.

16.20.090 Appeals from the Board of Zoning Adjustment.

Any further appeal from the decision of the BZA may be made to the courts, as provided by law; provided, however, that such appeal is made prior to 30 calendar days following the date of the BZA's decision.

Amendments (Zoning) (Section 16.25):

Sections:

16.25.010 Initiation of amendments.

16.25.020 Standards for official zoning map amendments.

16.25.030 Procedure.

16.25.010 Initiation of amendments.

Amendments, supplements, changes or repeal of this title or any section thereof, or to the district boundaries of the official zoning map, may be initiated by application of:

- (a) Petition of any citizen or group of citizens, government agency, firm or corporation residing, owning or leasing property in the Town of Granby;
- (b) Initiation of the Board of Trustees of the Town of Granby on its own motion;
- (c) Resolution of the planning commission to the Board of Trustees.

16.25.020 Standards for official zoning map amendments.

(a) Amendments to the official zoning map shall not be allowed unless the petitioner demonstrates that rezoning is necessary for one or more of the following reasons:

- (1) The existing official zoning map district is inconsistent with the policies and goals of the Granby Comprehensive Plan; or
- (2) The area for which rezoning is requested has changed or is changing to such a degree that it is in the public interest to encourage a new use or density in the area; or
- (3) The proposed rezoning is necessary in order to provide land for a demonstrated community need, and that such rezoning will be consistent with the policies and goals of the Granby Comprehensive Plan; or
- (4) The existing official zoning map is in error.

(b) In any petition for amendment to the official zoning map, the petitioner shall carry the burden of showing that the area in question possesses geological, physiological and other environmental conditions compatible with the characteristic of the zone district requested, and that the advantages of the zone district requested substantially outweigh the disadvantages to the Town and neighboring land

occasioned by the official zoning map amendment, and that the applicable provisions of this title have been met.

16.25.030 Procedure.

(a) Application Submittal Documents. Application for an amendment to this title shall be made to the Director of Community Development or their designee. Applications for an amendment to the official zoning map, except new annexations, shall contain all of the following information:

- (1) Narrative outline describing the purpose of the request and identifying applicable grounds for the amendment under GMC 16.25.020.
- (2) Certified boundary survey of land area to be rezoned or legal description as appropriate and requested new classification;
- (3) Sketch to scale showing boundaries of area requested to be rezoned, along with an indication of the existing zoning, predominant uses and diversities on all adjacent sides of the area;
- (4) Description and sketches, if available, of buildings or uses proposed if rezoning is granted, along with a description of land and building uses within 300 feet of the boundary of the proposed area of change, in all directions;
- (5) A list of property owners and their addresses both within the area and within 300 feet of the exterior boundary of the parcel proposed to be zoned or rezoned;
- (6) Any other information deemed appropriate by the Town or applicant to fully explain the amendment request;
- (7) Specified filing fee payment or such amended fee as may be adjusted by resolution of the Board of Trustees from time to time;
- (8) Proof of ownership.
- (9) Development schedule (if available).

(b) Approval process.

- 1) **Pre-Application Meeting:** The applicant shall attend a Pre-Application Meeting with the Director of Community Development or their designee to review the requirements for the submittal of a request for a rezoning and discuss issues relevant to the rezoning request. Please consult Section 16.15.60 for additional details concerning Pre-Application Meetings.

2) Fees and Reimbursement Agreement:

- a. Any applicant to the Town for a rezoning petition shall pay a filing fee (established by the Board of Trustees) to cover general administrative costs. In addition, the applicant will also pay the costs of notice publication, mailings and any recording fees. The applicant shall execute a reimbursement agreement with the Town (Section 16.15.60.30).

3) Completeness Review: The Town shall determine whether the application is complete based on compliance with the submittal requirements herein. Completeness shall take place within 10 calendar days at which time the Director of Community Development or their designee will make one of the following determinations:

Application Is Not Complete. If the application is not complete, the Director of Community Development or their designee shall inform the applicant of the deficiencies in writing and the timeline for approval resets. No additional action shall be taken on the application until the deficiencies are remedied. If the applicant does not provide a complete set of application documents within sixty (60) calendar days, the application shall be deemed void, all fees paid to the Town shall be surrendered, and all reimbursement expenses due to the Town shall be paid.

Application Is Complete. If the application is complete, the Director of Community Development or their designee shall certify it as complete and provide written notice to the applicant including the date of determination of completeness.

- 4) In the event an applicant submits a new rezoning request after the original application, such submittal shall be considered a new application and the process shall begin anew with the determination of application completeness review. The submittal of a new rezoning request after the original application shall initiate a re-starting of the calendar of deadlines (for the applicant and for the Town) for the approval process for the rezoning in accordance with this section of the code.
- 5) The Director of Community Development or their designee shall issue a memorandum to the Planning Commission with a recommendation for the Planning Commission to either approve or deny the zoning amendment request. The Director of Community Development or their designee shall provide the memorandum to the Planning Commission no later than seven (7) calendar days prior to the hearing for the zoning amendment request.
- 6) Upon determination of completeness, the Town Clerk shall establish the date of advisory review with the Planning Commission for the application to occur no less than 30 calendar days prior to a regularly scheduled meeting of the Planning Commission.

- 7) Prior to the review meeting, the Town Clerk shall have caused to be published, in a newspaper of general circulation, a public notice of the Planning Commission review of the zoning amendment request. This meeting notice is to be published at least seven calendar days in advance of the review meeting.

(c) Planning Commission Advisory Review.

(1) Any proposed amendment to the official zoning map shall be referred to the Planning Commission for an advisory report thereon.

(2) Before submitting an advisory report on any proposed amendment to the official zoning map, the Planning Commission shall first consider the amendment at its next meeting. In its review, the Planning Commission shall consider the following issues:

(i) Completeness of the submittal package;

(ii) The relationship of the surrounding zone districts to the subject property;

(iii) The intent of the Granby Comprehensive Plan for the area in question;

(iv) The degree of contiguity of similar and adjacent zone districts;

(v) The relationship of the request for zoning amendment to existing conditions both on and surrounding the area in question. Review of existing conditions may include the changing nature of the area, land use, densities and structure, scale and height.

(3) Prior to the review meeting, the Town Clerk shall have caused to be published, in a newspaper of general circulation, a public notice of the Planning Commission review of the zoning amendment request. This meeting notice is to be published at least seven calendar days in advance of the review meeting.

(4) Upon completion of the review, the Planning Commission shall forward their recommendations to the Board of Trustees. These recommendations shall be substantive in relation to the area in question and also include a recommended decision for action by the board.

(d) Public Hearing before the Board of Trustees.

(1) Within five calendar days of the conclusion of the commission review, the Town Clerk shall schedule a public hearing before the Board of Trustees. This hearing is to take place not more than 30 calendar days from the conclusion of Planning Commission review and also allow enough time for 15 calendar days in advance of the Board of Trustees hearing for property posting time and public notice by the applicant of general description in a newspaper of general circulation and certified/return receipt mailings by the applicant to verified property owners within 300 feet of the area to be rezoned, except for new

annexations which shall be exempt. The applicant shall provide to the town clerk or their designee proof of mailing by the applicant of the notice to the appropriate parties listed thereto (the surface owners, mineral owners and lessees of mineral rights, and owners of land within 300 feet of the parcel property line as their names appear upon the plats and records in the Grand County clerk and recorder's office), within two business days of the date of mailing of the notice.

(2) The public hearing before the Board of Trustees is quasi-judicial in nature and the board is to consider evidence presented and make findings in regard to the zoning amendment. Findings are to be made in regard to all of the following conditions:

(i) Development conditions in the neighborhood have changed to warrant an amendment;

(ii) The request does not constitute a spot zone as defined by applicable Colorado law;

(iii) The original zoning was in error and should be changed;

(iv) The proposed rezoning would be in harmony with the present land uses in the immediate area;

(v) The amendment request is in general conformance with the Granby Comprehensive Plan and/or amendments thereto;

(vi) Surrounding property owners have been given appropriate notice.

(3) Decisions Rendered.

(i) On the same day of the hearing or within 20 days of the closing of a public hearing on a proposed amendment, the board shall act on the petition or proposal. The board shall consider all evidence presented and make findings in regard to the above conditions. The board may cause an ordinance to be introduced to amend these regulations or change district boundaries. A majority vote for approval or denial is required. Pursuant to C.R.S Section 31-16-105, ordinances to amend zoning regulations or change district boundaries are not effective, except emergency ordinances, until 30 calendar days after publication of the ordinance. Following the effective date of an ordinance to amend zoning regulations or change district boundaries, the Director of Community Development or their designee shall insert language amendments and/or boundary changes on the official map within 15 calendar days of the effective date of the ordinance.

(ii) Legal Protest. Should a certified and signed petition of protest to the rezoning map change from more than 20 percent of the legal property owners within the proposed area or within 300 feet of the rezoning area boundary be filed with the board prior to or during the public hearing, then a favorable vote of the board requires that two-thirds of the members vote in the affirmative.

(e) Appeals of Board of Trustees' Decisions.

(1) Decisions of the Board of Trustees are final. Appeals of Board of Trustees' decisions are to be made to the appropriate court of law, within 30 calendar days of the board's decision.

(2) Rezoning petitions for the same piece of property where an earlier petition was denied may be reintroduced for consideration by the Town no sooner than one year after the original decision is rendered. All rezoning reintroductions must follow the same procedure as original petitions.

Planned Development Overlay District (Section 16.90)

Sections:

- 16.90.010 Authority.
- 16.90.020 Purpose.
- 16.90.030 Jurisdiction.
- 16.90.040 Coordination with other codes, regulations, plans and general provisions.
- 16.90.050 Conformity with the Granby Comprehensive Plan.
- 16.90.060 Reviewing authority.
- 16.90.070 Consent of landowner and lienholders.
- 16.90.080 Permitted uses.
- 16.90.090 Processing fees.
- 16.90.100 Review process.
- 16.90.110 General Pre-Application Meeting
- 16.90.120 Sketch plan.
- 16.90.130 Planned development overlay district preliminary plan (“preliminary plan”).
- 16.90.140 Final development plan (“FDP”).
- 16.90.150 Failure to begin development or to show substantial progress.
- 16.90.160 Periodic reviews of all planned development overlay districts.
- 16.90.170 Improvement agreements.
- 16.90.180 Design standards generally.
- 16.90.190 Density.
- 16.90.200 Planned development district size.
- 16.90.210 Open space.
- 16.90.220 Circulation.
- 16.90.230 Buildings.
- 16.90.240 Signs.
- 16.90.250 Planned development overlay district (“PDOD”) perimeters and major rights-of-way.
- 16.90.260 Drainage and utilities.
- 16.90.270 Other provisions and standards.

16.90.010 Authority.

The Granby planned development overlay district is authorized by and adopted pursuant to Section 24-67-101, et seq., and Section 31-23-313, et seq., C.R.S.

16.90.020 Purpose.

It is the intent of this chapter to promote the health, safety and general welfare of the inhabitants of the town of Granby, Colorado by providing for planned development overlay districts (hereafter referred to as PDODs) within the town which allow a development technique which is in the best interest of the

town and will promote good design, enhancement of environmental amenities and increased efficiency of public and private services. Furthermore, the standards and procedures provided in this chapter for the PDOD district are intended to ensure integrated planning goals and objectives of the Granby Comprehensive Plan, while allowing greater flexibility and innovations in development and site designs than is typically possible under the conventional zone district regulations.

In addition to the detailed standards and conditions for PDODs set forth in this chapter, consideration shall also be given to the following general criteria which are intended to qualify for review of a PDOD proposal such that it:

- (a) Constitutes a unique and truly innovative project which is represented by the developer to be constructed within a reasonable period of time in relation to the project's size and scope and which will be of economic benefit to the town thereby qualifying the project under this and other criteria for review under these PDOD regulations;
- (b) Provides for and improves existing commercial, residential, industrial and educational facilities within the community;
- (c) Ensures that the provisions of the zoning laws which direct the uniform treatment of dwelling type, bulk, density and open space within other zoning districts will not be applied in a manner which would distort the objectives of the Granby zoning code;
- (d) Allows innovations in residential, commercial and industrial development and renewal so that the growing demands of the population may be met by greater variety of types, design and layout of structures and the conservation and more efficient use of open space ancillary to said buildings;
- (e) Allows an efficient use of land and of public and private services to reflect changes in the technology of land development so that resulting economics may benefit the community as a whole;
- (f) Reduces energy consumption and demand;
- (g) Lessens the burden of traffic on streets and highways by encouraging land uses which decrease trip length and encourage the use of public transit;
- (h) Conserves the value of the land and preserves environmental quality;
- (i) Provides a technique of development which can relate the type, design and layout of residential, commercial and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics;
- (j) Encourages integrated community planning and development in order to achieve the above purposes.

(k) Supports the Town's goals for affordable and workforce housing by ~~either~~ providing at least ten percent (10%) of all residential units as deed-restricted ~~as~~ workforce or affordable units, or alternatively, by paying an approved fee-in-lieu to the Town to support the development of workforce or affordable housing.

(l) Ensures that residential units within the development are located within one-quarter (1/4) mile of a qualified park or open space area.

(m) Provides sidewalks and or trails along public and private streets and improves overall pedestrian and trail connectivity in the Granby area.

(n) Provides for safe and visible pedestrian crossings by locating crosswalks at intervals of approximately three hundred (300) feet along any public or private street, or at such spacing demonstrated to provide equal or better pedestrian safety.

(o) Creates appropriate transitional or buffer areas between different types of land uses.

(p) Creates community gathering places or publicly accessible spaces intended to serve residents of the development and the broader Granby community.

(q) Provides for public art features or facilities to serve the community.

(r) Contributes to increased housing diversity in Granby, by providing a range of housing types, sizes and price points.

(s) Promotes and supports green infrastructure and related sustainability goals.

(t) Encourages or facilitates the creation of accessory dwelling units (ADUs).

(u) Provides for the development of residential or commercial spaces within a ten-minute walking distance of an existing or planned transit stop, thereby supporting transit-oriented access and mobility.

(v) Provides for installation of landscaping features that exceed the minimum landscape standards established by the Town.

16.90.030 Jurisdiction.

This title shall apply to and govern all PDOD applications submitted after the effective date hereof which relate to and include lands located within the legal boundaries of the town. The provisions of this title may also be applied to PDOD applications for lands which are located outside of the town but which are proposed to be annexed to the town, as permitted by Section 31-12-115, C.R.S.

16.90.040 Coordination with other codes, regulations, plans and general provisions.

(a) Granby Zoning District Regulations. Approval of a PDOD preliminary plan (hereinafter referred to as “preliminary plan”) by the Board of Trustees as per the requirements of this chapter shall constitute a temporary overlay district upon the base zone, the base zone being the zone district designation existing prior to the approval of said preliminary plan. If the time limits as spelled out in the development schedule (if available and provided to the Town) expire and no time extensions for the final development plan (hereinafter referred to as “FDP”) are approved, then the Board of Trustees, in its sole discretion, may terminate the preliminary plan and may record a resolution with the Grand County clerk and recorder evidencing such termination. Upon such termination, the preliminary plan shall be deemed to have been expired and cease to exist as it relates to all lands within the development for which a final plat and FDP have not been approved (undeveloped lands). Despite such expiration, the zoning of undeveloped lands shall remain the same as it existed under the preliminary plan, except no further permits or approvals, including but not limited to FDP, final plat, or building permit approvals, shall be granted by the Town in connection with the undeveloped lands unless and until the Town has approved a new or amended development plan for the undeveloped lands or a portion thereof. The preliminary plan shall continue to exist and apply to all parts of the development other than the undeveloped lands.

Where an expired PDOD was an approved annexation, the base zone shall be the open district (O), unless the Board of Trustees expressly agrees otherwise.

(b) Upon approval of the preliminary plan, the PDOD shall be assigned a case number and its geographical area outlined on an overlay sheet constituting part of the official zoning map of the Town. The cost to update the official zoning map of the Town shall be paid by the PDOD applicant. This overlay designation and number shall continue until the development schedule in the preliminary plan expires as provided above or is extended or amended or completed. Upon completion of any PDOD project, the designation shall stand unless changed and all documents shall be kept on file for reference.

Land use and development within any PDOD approved pursuant to these regulations shall be controlled by the provisions of the approved PDOD plan and FDP. Specific maps and documents detailing negotiated items and other matters related to these approved plans shall be recorded with the Grand County clerk and recorder and duplicate files of said plans and documents kept on file for ready reference in the administrative offices of the town clerk.

(c) Subdivision Regulations. The provisions of these regulations concerning PDODs are not intended to eliminate or replace the requirements applicable to the subdivision of land or airspace, as defined in state statutes and the codes and regulations of the Town. The uniqueness of each PDOD may require that specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs, and other standards may be subject to modifications from the specifications established in the subdivision regulations adopted by the town, if the reasons for such exceptions are well documented.

Modifications may be incorporated only with the approval of the Planning Commission and the Board of Trustees as a part of its review of the development agreement for a PDOD and shall conform to acceptable engineering, architectural and planning principles and practices. It is the intent of this chapter that any subdivision review under the subdivision regulations be carried out either:

- (1) Subsequent to the approval of a preliminary plan; or
- (2) Simultaneously with the review of a FDP under this section; or
- (3) Within the time frame specified in the development schedule included in the approved PDOD plan and FDP.

16.90.050 Conformity with the Granby Comprehensive Plan.

No PDOD shall be approved by the Planning Commission or the Board of Trustees unless the PDOD is found to be in substantial conformance with the Granby Comprehensive Plan.

16.90.060 Reviewing authority.

The Director of Community Development or their designee, the Planning Commission and the Board of Trustees are hereby designated the official entities authorized to conduct pre-application meetings and review sketch, preliminary plan and FDP applications pursuant to this chapter. Final approval of the preliminary plan and FDP is the responsibility of the Board of Trustees as required by their invested legislative authority. On a case-by-case basis, the Board of Trustees may approve plans that provide for greater flexibility than might otherwise be allowed by this chapter or that include numerical limitations in excess of those contained in this chapter, including but not limited to those set forth in GMC 16.90.120, 16.90.130, 16.90.170 and 16.90.200, in proposed preliminary plans and FDPs, provided (a) the Board of Trustees expressly finds that the increased flexibility or numerical limits are consistent with the purposes of PDODs as set forth in GMC 16.90.020 and are appropriate in order to provide flexibility to the proposed development, and (b) the specific numerical limits or other provisions providing for such flexibility are set forth in an approved preliminary plan or FDP and/or in a written development agreement approved by the Board of Trustees ~~board~~ and signed by the developer.

16.90.070 Consent of landowner and lienholders.

No PDOD applications shall be approved without the written consent of each landowner whose properties are included within the PDOD. The PDOD application shall be made by a person or entity having an interest in the property to be included in the PDOD and shall include the consent of all owners of interest in such property. Lienholder consent will consist of a written acknowledgment that the mortgaged title holders agree to the application for a PDOD in the town.

16.90.080 Permitted uses.

Permitted uses are as follows:

(a) Property involving previously zoned land in the town. Any use permitted by the base zone district may be specified in the PDOD sketch, preliminary plan and FDP documents.

(b) Property being annexed into the town desiring PDOD district designation. During annexation and the PDOD approval process, uses and their locations are to be itemized and generally located on the site plan. All industrial uses must be buffered by suitable open space from commercial, office and residential uses.

(c) Additional uses beyond those allowed by the base zone district may be permitted subject to site plan review by the Planning Commission and Board of Trustees; provided the Planning Commission and Board of Trustees find such uses are designed and/or intended for the use of residents and/or property owners, and/or the general public, of the subject PDOD and such uses are compatible with the Granby Comprehensive Plan and uses on surrounding properties. No uses shall be permitted, except in conformance with a specific and precise FDP pursuant to the procedural and regulatory provisions herein.

16.90.090 Processing fees.

Processing fees will be established and subject to change from time to time upon approval of the Board of Trustees. The current fee schedule may be obtained from the Town. In addition, the applicant shall sign a reimbursement agreement with the Town to cover the costs of outside consultants reviewing and processing the application on behalf of the Town.

Article II. Development Plan Review Procedures

16.90.100 Review process.

The application for a PDOD in the Town of Granby shall be subject to a four-faceted review process composed of the following:

(a) A general pre-application conference;

(b) A sketch plan; The Director of Community Development or their designee may waive the sketch plan requirement upon determining that, in consideration of the completed pre-application conference, the sketch plan is not likely to provide any additional benefit to the applicant or to the Town. The Director of Community Development or their designee shall provide written notification to the applicant of any such waiver.

(c) A preliminary development plan (PDP); and

(d) A final development plan (FDP). If the applicant seeks to develop the project in phases, the Planning Commission and Board of Trustees may, in their discretion, postpone to a time deemed appropriate by the Board of Trustees the obligation of the applicant to fulfill any of the submission requirements set forth in this article as they relate to any delayed phase of the project. These regulations are intended to be applicable to large as well as small project sites. Applicants are encouraged to combine subdivision with the PDOD process where appropriate and after conferring with town staff and/or the Planning Commission.

16.90.110 General Pre-Application Meeting

Please refer to GMC Section 16.15.060.50 for regulations pertaining to General Pre-Application Meetings.

16.90.120 Sketch plan.

The applicant shall complete a sketch plan outlining the parameters of the proposed development (see Section 17.20.20). The Director of Community Development or their designee may elect to waive the sketch plan requirement based upon the findings of the pre-application meeting.

16.90.130 Planned development overlay district preliminary plan (“preliminary plan”).

The preliminary plan application is intended to generate enough site plan information in the form of written statements, standards and schematic plans in order to provide adequate information for review by decision-making bodies and the general public in regard to the proposed PDOD plan. The completed application shall be known as the PDOD preliminary plan.

(a) Submission Requirements. The preliminary plan shall embrace all properties which are to be included in the proposed development and shall be sufficiently detailed to allow for an effective review.

(b) Written Documents. The applicant shall submit a written statement which shall include, at a minimum, the following information:

(1) A legal description of the total site including any recorded easements proposed for development, including a statement of present and proposed ownership. This statement shall include the address of the applicant, all the property owners, developers, parties of interest and any lien holders.

(2) Evidence of the present ownership or agents thereof of all lands included within the PDOD in the form of a current commitment for title insurance or title insurance policy.

- (3) Names and addresses of adjoining property owners within 300 feet of the property perimeter.
- (4) A description of the character of the proposed development, the goals and objectives of the project, an explanation of the rationale behind the assumptions and choices made by the applicant, and an explanation of the manner in which it has been planned to conform to or deviate from the Granby Comprehensive Plan.
- (5) Statements clearly outlining the proposed maximum (up to and including) limits or amounts of all design standards (Article III of this chapter) to be negotiated if not covered in this article or Article III of this chapter.
- (6) A general description of the proposed open space for the development and an explanation of how said open space shall be integrated with surrounding developments, both existing and proposed, in the PDOD.
- (7) A description of the proposed buffer spaces, community gathering spaces, enhanced levels of landscaping, and program for public art for the development.
- (8) A description of the transit and multimodal facilities serving the development and connecting the development to the rest of the Granby community, including facilities and features to serve transit users, bicyclists, and people walking (via sidewalk or trail).
- (9) A description of how the development proposes to provide for affordable and workforce housing and housing diversity in the Granby community.
- (10) A description of how the development integrates green infrastructure principles and resiliency in its overall development plan.
- (11) Written narrative describing the sidewalk and trail connections within the development and to nearby or adjacent developments or destinations in the Granby community.
- (12) A statement of the applicant's preliminary development schedule including any proposed phasing and intentions with respect to the nature of future sales and/or leases and subdivision of all portions of the PDOD.
- (13) Quantitative data for the following:
 - (i) Total number and type of dwelling units;
 - (ii) Approximate parcel size;
 - (iii) Proposed lot coverage ratios of buildings and structures;
 - (iv) Proposed gross and net residential, commercial and industrial densities;

- (v) Anticipated amount of open space (parks, wetlands, trails, recreation sites, etc.);
 - (vi) Total amount of nonresidential construction (including a separate figure for commercial, institutional, or industrial facilities and the amount of private open space associated with these developments); and
 - (vii) Water and sewer demand for projected uses.
- (14) Any general physiographic and environmental studies of the proposed site.
 - (15) The proposed maximum height(s) of buildings, setbacks and related dimensional standards within the PDOD.
 - (16) A generalized trip generation study for the entire development and its subparts, as well as a statement of the general intent of the applicant as regards the use of public versus private roads.
 - (17) A statement of the proposed method for controlling architectural design throughout the development.
 - (18) A letter from the appropriate utility districts and boards stating their ability to serve the development with water, sewer, electricity, natural gas, telephone and fire protection service.
 - (19) A letter from the school district stating their ability to accommodate the projected number of students generated by the development.
 - (20) A letter from the Town of Granby verifying the status (if any) of the project within any water protection zones delineated by the Town of Granby.
 - (21) Approval letter from any HOAs with jurisdiction over the development concerning HOA requirements.
- (c) Graphic Documents. A site plan(s) and supporting maps and drawings shall be at an appropriate scale so that town staff and officials may understand the basic concepts proposed by the applicant. The plan(s) shall include, at a minimum, the following information:
- (1) The location and name of the proposed development shown on a vicinity locator map at a legible scale.
 - (2) The existing site conditions including topographic contours and watercourses, floodplains (i.e., 100-year), wetlands, unique natural features, and vegetation cover.
 - (3) Proposed subdivision boundary lines and site designs in specific or prototypical form.
 - (4) The general location of all existing and proposed buildings, structures, and other improvements. For larger scale projects, this information may be shown in prototype form.

(5) The general location and size in acres or square feet of areas to be conveyed, dedicated or reserved as common and private open spaces, public open spaces or parks, recreational areas, school sites and similar public and quasi-public uses.

(6) The existing and proposed circulation system of arterial and collector-type roads and major points of access to public rights-of-way (including major points of ingress and egress to the development). Notations of proposed ownership, public or private, should be included where appropriate. The locations of local roads may also be required at the discretion of the Planning Commission and a generalized grading plan for roads requiring substantial cuts and fills.

(7) The existing and proposed circulation system of sidewalks and trails (including connections to adjacent or nearby parcels or destinations). Notations of proposed ownership, public or private, should be included where appropriate. A generalized grading plan for sidewalks and trails requiring substantial cuts and fills may be required.

(8) Information on land areas adjacent to the proposed PDOD to indicate known or proposed development including land uses, zoning classifications, road networks, public facilities, and open space.

(9) The existing and proposed generalized pedestrian and bicycle circulation system for the entire development.

(10) The proposed concept and general off-site connection methods for utility service including sanitary sewers, storm sewers, water, electric, gas and telephone lines.

(11) Preliminary architectural standards that are to be used as covenants for the project.

(12) A generalized drainage plan for the entire project indicating proposed on-site facilities and treatment and abatement of drainage to adjoining properties.

(13) A general lighting plan for the entire project indicating proposed on-site street light location, height and fixture type.

(14) A plan which estimates the number of employees needed to serve all or portions of the development and how they will be provided housing.

(d) Additional Information. The Planning Commission may require additional information from the applicant to evaluate the character and impact of the proposed PDOD on the town. In particular, and regarding large developments, the Planning Commission may need to assess the fiscal impact of the proposed development on the town over the period of the generalized development schedule. Evaluations of this nature may require submittal of additional information such as market feasibility studies by the applicant. The applicant shall also provide a completed application form, pay the

administrative fee associated with the processing of the Preliminary Plan, and sign a reimbursement agreement to cover the costs of outside consultants reviewing the application.

e) Approval process for preliminary plan.

- (a) The applicant shall submit to the Town a preliminary plan, together with the supplemental material hereinafter specified. An applicant must complete a Pre-Application meeting prior to submitting a Preliminary Plan, and the requirement to complete a sketch plan before a Preliminary Plan may be waived by the Director of Community Development or their designee. The preliminary plan shall be submitted, together with written application for conditional approval to the Town, at least 60 calendar days prior to the Planning Commission meeting at which it is to be considered.
- (b) At the time of filing the preliminary plan, the applicant shall pay all required fees. The applicant shall execute a reimbursement agreement with the Town (Section 16.15.60.30). Failure to pay the required fees at the time of filing shall result in the Town finding the application to be incomplete.
- (c) Completeness Review.
 - a. The Town shall determine whether the application is complete based on compliance with the submittal requirements herein. Completeness shall take place within 10 calendar days at which time the Town will make one of the following determinations:
 - b. Application Is Not Complete. If the application is not complete, the Director of Community Development or their designee shall inform the applicant of the deficiencies in writing and the timeline for approval resets. No additional action shall be taken on the application until the deficiencies are remedied. If the applicant does not provide a complete set of application documents within sixty (60) calendar days, the application shall be deemed void, all fees paid to the Town shall be surrendered, and all reimbursement expenses due to the Town shall be paid.
 - c. (ii) Application Is Complete. If the application is complete, the Director of Community Development or their designee shall certify it as complete and provide written notice to the applicant including the date of determination of completeness. The Director of Community Development or their designee shall submit the application to the planning commission for consideration at the first regularly scheduled meeting of the planning commission that is at least 30 calendar days after the date of confirmation by the Director of Community Development or their designee of the adequacy of the applicant's design as outlined in their application.
- (d) In the event an applicant submits a new or revised preliminary plan after the original application, such submittal shall be considered a new application and the process shall begin anew with the determination of application completeness review. The submittal of a new preliminary plan after the original application shall initiate a re-starting of the calendar of deadlines (for the applicant

and for the Town) for the approval process for the Preliminary Plan in compliance with GMC 17.20.30.

- (e) Upon a determination of completeness of the preliminary plat, the Director of Community Development or their designee shall transmit copies by electronic mail to: the Grand Fire Protection District No. 1, the Granby Sanitation District, XCEL Energy, Mountain Parks Electric, Inc., Grand County Planning, Grand County EMS, East Grand School District, the Colorado Department of Transportation and any other agency or individual that the planning commission, in its sole discretion, may designate. Such agencies shall be required to make written recommendations within 14 calendar days from receipt. Failure to make recommendations within the prescribed period may be deemed an approval of the preliminary plat.
- (f) The Director of Community Development or their designee shall review the substance of the application and shall issue a unified written response of issues of concern for the applicant.
- (g) The Director of Community Development or their designee shall issue a written, unified response to the applicant regarding the substance of the application within 21 calendar days.
- (h) The applicant shall then submit responses to the written, unified response from the Director of Community Development or their designee within 30 calendar days of the receipt of the written, unified response.
- (i) If the applicant fails to submit responses to the written, unified response from the Director of Community Development or their designee within 30 calendar days, the applicant shall be deemed as withdrawn, and the applicant must begin the Preliminary Plat approval process anew. The Town Manager or their designee may grant a one-time extension request of this deadline, of no greater than 30 calendar days.
- (j) ~~(4)~~ Following receipt of the responses from the applicant to the written, unified response from the applicant, the Director of Community Development or their designee shall issue a confirmation that the application satisfies design requirements (once achieved) within 14 calendar days.
- (k) The Town Clerk shall not establish the date of hearing with the Planning Commission for the application until the end of the 14 calendar day response time identified in GMC 17.20.30, b, (4)
- (l) The Town Clerk shall establish the date of hearing with the Planning Commission for the application to occur no less than 30 calendar days after the date the Director of Community Development or their designee issues a confirmation that the submittal serves as a satisfactory design response.
- (m) The Director of Community Development or their designee shall issue a unified staff report to the Planning Commission and the staff report shall recommend either an “approval” or “denial” of the application.

- (n) Public notice of Planning Commission meetings to consider a proposed PDOD preliminary plan shall be duly given by the town clerk at least seven days prior to the date of the meeting in the local newspaper designated as the official publishing vehicle for the town. Said legal notice

shall be by general description. This meeting is a published public meeting and may be a public hearing if so desired.

(o) The Planning Commission shall consider the application at the public meeting and after weighing all evidence presented to it shall either approve said application as presented, approve it subject to clearly specified conditions, such as maximum design standard limits, or disapprove it. The Planning Commission may continue the review for another 30 days if necessary but not beyond 30 days without the consent of the applicant(s). Lack of consent to continue or failure to reach agreement on negotiated items shall be deemed a denial.

(p) If the application is recommended either to be approved as presented or approved subject to conditions or denied by the Planning Commission, said application, with recommendations, shall be forwarded to the Board of Trustees for review at a public hearing. Upon forwarding the PDOD preliminary plan application to the Board of Trustees, the town clerk shall schedule a public hearing before the Board of Trustees and require that the property be posted in the same manner as provided in Chapter 16.25 GMC regarding amendments to the official zoning map.

(q) If the application is approved as presented, preconditioned, or denied, the Board of Trustees shall, by ordinance, either grant the necessary PDOD designation upon the base zone district, or disapprove said application. When the application is approved, the Board of Trustees shall cause the overlay portion of the official zoning map of the town to be amended. The Board of Trustees shall direct the town clerk to record the pertinent site plan drawings for the PDOD with the Grand County clerk and recorder. All recording costs are to be paid by the applicant. Copies of all records shall also be kept in the Town Hall. Upon filing and recording of the PDOD plan(s), the terms and provisions of the approved plan incorporated therein shall govern and control the use and development of the property. No building permits shall be issued on land within the PDOD until the FDPs for all or a portion of the project area have been approved by the Planning Commission and Board of Trustees.

(r) Within a maximum of six months following the approval of the preliminary plan, the applicant shall file with the town clerk and the Planning Commission a Final Development Plan (FDP). At its discretion, and for good cause, the Planning Commission may extend for up to two years the period for filing the FDP. Where large developments are concerned, it is recognized that such developments may require multi-year construction phasing. Therefore, work on any portion of the FDP and the expiration periods set forth above shall apply accordingly for any subsequent phases of the development. These time periods may be negotiated and an approved development schedule which incorporates time periods for submitting FDPs may be substituted in its place. This approved schedule will be binding in this case.

(s) If the applicant fails to apply for a FDP or the extensions described above for all or a portion of the PDOD through the FDP review process, then the Board of Trustees in its sole discretion may terminate the PDOD for the PDP designation and the undeveloped land shall revert back to the preliminary plan. Subsequent action by the developer or their assignees to revive the PDOD after it has been allowed to expire will require the preparation of a reapplication submittal package and a subsequent review and public hearing according to the process for review and public hearing submittal requirements outlined above.

(t) Amendment to the Preliminary Planned Development Plan. Minor changes in the approved preliminary plan and its conditions of approval shall be subject to review and consideration by the Planning Commission. Upon consideration of said changes, the Planning Commission shall take formal action in writing, either approving or disapproving the changes. This section shall serve as the mechanism for reviewing and approving changes and a substitute for the variance procedures provided elsewhere in these zoning regulations.

When substantial changes in the PDOD involve a reduction of or an addition to the agreed upon amounts of land area or increases in the original negotiated design standards amounting to greater than 10 percent, as calculated by the town staff, then said PDOD must be formally amended and an amendments application shall be submitted for consideration and review according to the process outlined above.

16.90.140 Final development plan (“FDP”).

The FDP application is intended to specify design components of the PDOD or portions thereof and provide for the review of additional items not required by the preliminary plan. A FDP application may be made for all or a portion of the entire overlay district as previously approved at the preliminary plan stage. All FDPs must have accompanying them appropriate subdivision plats which have either been approved or are undergoing the approval process, if they are integral to the proposed development. FDPs must include structure locations and footprint dimensions as part of the required design standards for FDP submittals. In any PDOD, an approved FDP for all or portions of the overlay district must be in effect before any building permits may be issued for the construction of structures in the approved portions of the overlay district. The completed application shall be known as the FDP.

(a) Submission Requirements. The FDP shall include all of the information required in the preliminary plan in its finalized, detailed form plus any additional items included below. Omissions are cause to continue or deny the application.

(b) Written Documents. The applicant shall submit a written statement which shall include the following additional information:

- (1) A final development schedule indicating the approximate date(s) when construction of the PDOD or phases of said development can be expected to begin and to be completed.
 - (2) A description of the proposed open space to be provided at each stage of development; an explanation of how said open space shall be coordinated with surrounding developments; total amount of open space (including a separate figure for usable amount of open space); a statement explaining anticipated legal treatment of ownership and maintenance of common open space areas and the amounts and location of dedicated public open space.
 - (3) Copies of proposed final covenants, declarations, architectural design standards, grants of easements or other restrictions to be imposed upon the use of the land, including common open spaces, buildings and other structures within the development.
 - (4) Physiographic and environmental studies of the proposed site(s) prepared and attested to by qualified professional authorities in the following fields: soil quality, slope and topography, geology, water rights and availability, ground water conditions, and impact on wildlife.
 - (5) Any required dedication, documentation and/or improvement agreements and bonds plus an updated title insurance commitment.
 - (6) Any new items not submitted with the preliminary planned development plan.
 - (7) Applicant shall submit required fees.
 - (8) Quantitative data for the following: final number of dwelling units, number of bedrooms in each unit, final figures for previously agreed upon design standard, negotiable items and footprint sizes of all proposed buildings.
 - (9) A statement that integrates pertinent elements of any pre-annexation and development agreements and contracts previously negotiated with the town.
 - (10) A detailed study of the traffic impact of the PDOD on the town and regional street system.
 - (11) Any written documents associated with providing utility service and the number of sewer and water equivalent units required.
- (c) Graphic Documents. The applicant shall submit finalized site plan graphics which shall include the following information:
- (1) Any plan maps that have been revised since the preliminary plan approval.
 - (2) A landscape plan indicating the treatment and materials used for public and common open spaces, and a revegetation plan showing treatment of disturbed areas.

- (3) Information on land areas adjacent to the proposed PDOD to indicate integration of circulation systems, public facilities and utility systems and open space.
- (4) The planned pedestrian, bicycle and vehicular circulation system including their interrelationships with the vehicular parking and unloading system, indicating proposed detailed treatments of points of conflict.
- (5) A soil erosion and prevention plan.
- (6) A snow removal and/or storage plan.
- (7) The proposed treatment of the perimeter of the PDOD including materials and techniques used such as screens, fences, walls and landscape plan.
- (8) A detailed and engineered drainage plan indicating general on-site and required off-site facilities and proposed treatment and abatement of runoff drainage to adjoining properties and the Colorado and Fraser Rivers and their tributaries.
- (9) A plan showing how the development's residents will be afforded access to public transit and how the transit system will be integrated into the development.
- (10) Any preliminary or final subdivision plats required and prepared as per the requirements of the Granby subdivision regulations.
- (11) Final engineering plans for public roads within the development, points of access and designs for intersections with and modifications of existing public rights-of-way and designs for any off-site road improvements to connect the PDOD to the existing street system. Final development plans for private roads are to be included for any portions of the site undergoing final review.
- (12) A site map(s) that depicts the development phases thereof, sites and building footprint sizes and locations outlined in the development schedule.
- (13) Engineering schematic plans that depict general line sizes and proposed points of connection to existing utility systems, both on and off site; final engineered plans and specifications will be required by the respective utility districts at their discretion.
- (14) A detailed lighting plan depicting on-site street light location, height and fixture type, with supplemental specifications.
- (15) Such additional information as may be required by the Planning Commission or Board of Trustees necessary to evaluate the character and impact of the proposed PDOD.

(d) Graphic Plan Format. Various maps will need to be recorded with the Grand County clerk and recorder as part of the approval of the FDP. These maps shall be drawn up using the following format unless determined otherwise by the town staff or Planning Commission in coordination with the developer:

(1) Said maps shall be in the form of a black-line or India-inked mylar that is capable of reproducing clear and sharp reproductions of all details, signatures and seals.

(2) No plans using sepia ink or pencil or containing stick-ons will be accepted.

(3) All signatures on the plan are to be in black permanent ink.

(4) The plan sheet shall have outer dimensions of 24 inches by 36 inches unless another size is approved by the Planning Commission or town staff. The plan drawing will be contained within a space defined by a one and one-half-inch margin from the left sheet edge and a one-half-inch margin from the other three sheet edges.

(5) Applicants are encouraged to use more than one sheet in order to avoid crowding of information on the sheet. Sheets are to be designated as "sheet x of y sheets."

(6) The scale of the plan drawing shall be, at a minimum, 50 feet equal to one inch. Other scales may be used with the permission of the Planning Commission or town staff.

(7) A two and one-half by three-inch vertical box in the lower right-hand corner shall be provided for the use of the Grand County clerk and recorder.

(8) Format for plan drafter's, owner's, lien holder's, Planning Commission chairperson's and mayor's signature blocks, and dedication blocks can be obtained from the town staff and a release of liens on open space areas may be required.

(e) Review Procedure.

(1) The applicant shall file the FDP documents through the Town's online portal and pay the required fees. The town clerk will determine the number of copies required for each required item.

(2) Completeness Review.

(a) The Director of Community Development or their designee shall determine whether the final plat submittal is complete based on compliance with the submittal requirements herein. Completeness review shall take place within 10 calendar days of submittal to the Director of Community Development or their designee at which time the Director of Community Development Department or their designee will make one of the following determinations:

(i) Submittal Is Not Complete. If the application is not complete, the Director of Community Development or their designee shall inform the applicant of the deficiencies in writing and the timeline for approval resets. No additional action shall be taken on the application until the deficiencies are remedied. If the applicant does not provide a complete set of application documents within sixty (60) calendar days, the application shall be deemed void, all fees paid to the Town shall be surrendered, and all reimbursement expenses due to the Town shall be paid.

(ii) Submittal Is Complete. If the submittal is complete, the Director of Community Development or their designee shall certify it as complete and provide written notice to the applicant including the date of determination of completeness.

(3) Upon a determination of completeness of the final plat, the Director of Community Development or their designee shall transmit copies by electronic mail to: the Grand Fire Protection District No. 1, the Granby Sanitation District, XCEL Energy, Mountain Parks Electric, Inc., Grand County Planning, Grand County EMS, East Grand School District, the Colorado Department of Transportation, and any other agency or individual that the Planning Commission, in its sole discretion, may designate. Such agencies shall be required to make written recommendations within 10 calendar days from receipt. Failure to make recommendations within the prescribed period may be deemed an approval of the final plat. The Planning Commission shall not be obligated to transmit copies of a final plat to other agencies as provided in this subsection if the final plat is submitted within 12 months of the approval of the preliminary plat.

(4) The final plat as submitted shall conform substantially to the preliminary plat as approved and may constitute only that portion of the approved preliminary plat which the applicant proposes to record and develop at the time. The final plat shall be accompanied by the final Site Plan for the property in the event the applicant anticipates that development will move forward within the next year (365 calendar days) of the date of the Final Plat application. A final plat application that does not address all conditions of the preliminary plat submittal shall be immediately deemed incomplete.

(5) The commission shall also see that the same notice requirements as dictated in GMC 17.20.030(d) are complied with.

(6) Review of Application Content

The Director of Community Development or their designee shall review the substance of applications deemed complete and shall issue a unified written response concerning issues of concern for the applicant.

(1) The Town or its authorized agent or designee shall issue a written, unified response to the applicant regarding the substance of the application within 14 calendar days.

(2) The applicant shall then submit responses to the written, unified response from the Director of Community Development or their designee within 30 calendar days of the receipt of the written, unified response.

(3) If the applicant fails to submit responses to the written, unified response from the Director of Community Development or their designee within 30 calendar days, the applicant shall be deemed as withdrawn, and the applicant must begin the Final Plat approval process anew. The Town Manager or their designee may grant a one-time extension request of this deadline, of no greater than 30 calendar days.

(4) Following receipt of the responses from the applicant to the written, unified response from the applicant, the Director of Community Development or their designee shall issue a confirmation that the submittal satisfies design requirements (once achieved) within 14 calendar days.

(5) The Director of Community Development or their designee shall issue a unified staff report to the Planning Commission and the staff report shall recommend either an “approval” or “denial” of the application.

(7) The FDP must be in conformance with the preliminary plan as approved or amended. Should any unapproved modifications to the preliminary plan be presented for review at this FDP stage, then these changes must be approved before the FDP can be approved as a whole. Should this be the case, these modifications may not involve one or more of the following unless formal public hearings are conducted on each change:

(i) Violation of any provision of this title;

(ii) Varying the original lot area requirement by more than 10 percent;

(iii) A reduction of the original areas reserved for the open space;

(iv) Increasing the original floor areas proposed for nonresidential use by more than 10 percent;

(v) Increasing the original total ground area covered by buildings;

(vi) Increasing the original density;

(vii) Any other items where changes amount to greater than 10 percent of originally negotiated amounts.

(8) Approval Procedure. The Planning Commission shall determine said application’s compliance with the provisions of this title and the preliminary plan. After consideration of the application, the Planning

Commission shall, by resolution, either approve said application as presented, approve said application subject to specified conditions, or disapprove it.

(a) The Planning Commission shall forward said resolution, together with the reasons for the recommendation, to the Board of Trustees. The application and accompanying resolution shall be submitted for review at the next regularly scheduled Board of Trustees meeting no sooner than 20 days after the Planning Commission's decision.

(b) Upon receipt of the FDP, the Board of Trustees may approve or deny it. The Board of Trustees shall not approve any new major change or addition in the FDP recommended by the applicant until the proposed major change or addition has been referred to the Planning Commission for recommendations and a copy of said recommendations has been filed with the Board of Trustees.

(c) Failure of the Planning Commission to file said recommendations with the Board of Trustees within 45 days after reference shall be deemed to be approval of the proposed changes or additions. It shall be necessary for the Planning Commission to hold a public hearing on any major change or addition.

(d) If the FDP is approved subject to conditions, the formal acceptance and recording of such approval shall not be made until the applicant has obtained the signature of the mayor of the town on the plan face. All conditions must be satisfied before any official town signature(s) are affixed thereto.

(e) The Board of Trustees shall direct the town clerk to record the pertinent written and graphic documents of the FDP with the Grand County clerk and recorder. All recording and duplicating costs are to be paid in advance by the applicant. Copies of all records are to be kept in the Town Hall.

(f) Amendments to the Final Development Plan. This section shall serve as the mechanism for reviewing and approving changes to the FDP. Minor changes in the location, siting, and height of buildings and structures may be authorized by the Planning Commission without additional public hearings if required by engineering or other circumstances not foreseen at the time the FDP was approved. No change authorized by this subsection may cause any of the following:

- (i) A change in the use or character of the development;
- (ii) An increase in the overall land coverage of structures;
- (iii) An increase in the intensity and density of use;
- (iv) A reduction in approved open space;
- (v) A reduction of off-street parking and loading space;
- (vi) A reduction in required pavement widths;

(vii) An increase in height that is not minor.

The Director of Community Development or their designee reviews applications for amendments to the Final Development Plan and provides a recommendation in the form of a memorandum to the Planning Commission to either approve or deny the amendment request. The Planning Commission shall consider the amendment request at a regularly scheduled Planning Commission meeting not less than 30 calendar days after the date of submission of the amendment application by the applicant.

Applicants may submit amendments only if they are shown to be required by changes in conditions that have occurred since the FDP was approved or by changes in the Granby Comprehensive Plan.

Any changes which are approved for the FDP must be recorded as amendments in accordance with the procedure established for the recording of the initial FDP documents with the exception that prior to making its recommendation to the Board of Trustees, the Planning Commission shall hold at least one public hearing with the town clerk publishing notice of general description of said hearing in the official publication of the town at least 15 calendar days in advance of the hearing.

16.90.150 Failure to begin development or to show substantial progress.

(a) Final Development Plan Special Review. Each approved FDP must contain a detailed development schedule of public and private improvements. The town staff shall monitor this schedule, and failure of the developer to substantially adhere to it shall be cause for a FDP special review by the Planning Commission. The Planning Commission special review shall commence if one or more of the following situations arises:

(1) Failure to begin subdivision platting and/or draw building permits for construction as detailed in the approved development schedule within 12 months of the scheduled starting date or extensions thereto;

(2) Inactivity or documented lack of progress as determined by either the staff or Planning Commission on any stage of the project for more than 12 months from the last completed benchmark in the approved development schedule;

(3) Request for extensions to the starting dates by the developer. The Planning Commission may extend, for not more than two periods of 12 months each, the time for beginning the project;

(4) Failure to complete improvements in a timely manner.

(b) PDOD Special Review. The PDOD special review will be undertaken by the Planning Commission to determine if the developer can verify that the original assumptions and plans of the PDOD are still appropriate. At this review, the development schedule shall be recommended to be formally amended or the FDP is declared null and void, in whole or in part. Proceedings of this review shall be forwarded to the Board of Trustees for its review and approval of the amended development schedule or voiding of all

or part of the plan. Voiding of the PDOD must be done in a public hearing conducted by the Board of Trustees. No development may proceed until these formal amendments and approvals are made. Should the plan be declared null and void, the PDOD is stricken from the official map and the zoning of such areas shall revert to their base zone district. If there is no base zone district for such stricken areas, then such areas shall be zoned open.

(c) Review Fees. In order to cover town expenses for conducting the FDP special review, the developer shall pay, on demand, a fee equivalent to 50 percent of the original FDP review fee. In addition to direct collection, failure to pay fees will trigger declaring the FDP null and void and require the developer / applicant to resubmit and pay all associated application and review fees. A request by the developer for an extension does not require the payment of fees.

16.90.160 Periodic reviews of all planned development overlay districts.

The Planning Commission will conduct, at least every two years, a review of each project on or about the anniversary date of the FDP approval. No fees will be charged to the developer for these reviews. Developers of PDOD projects may be asked by the Planning Commission or staff to appear at this review and make a progress report. The Planning Commission will make a determination and so note in the minutes as to whether adequate or no progress has been made by the developer.

16.90.170 Improvement agreements.

The Planning Commission and Board of Trustees will require improvement agreements for both on- and off-site public improvements. Such agreements are to be secured by an acceptable financial guarantee(s) as a supplement to any FDP if these agreements have not already been developed through the subdivision process. Liabilities and responsibilities between multiple owners must be clearly represented in such agreements. Once these agreements are consummated, default by any party may trigger the use of the financial guarantees assigned to the town in order to complete the improvements in default as provided for in the agreement.

Furthermore, mistakes in plan, plat or survey drawings by the developer which, when discovered, reveal that additional land needs to be acquired or additional costs incurred by the town in order to construct the public improvements of the development as planned, and which were not covered by an improvement agreement, will become the financial responsibility of the planned development developer or owner. Depending upon the severity of the mistake, building permits or certificates of occupancy may be withheld for buildings either being contemplated or in progress at the time of discovery of the mistake until the problems are resolved to the satisfaction of the Board of Trustees.

No building permits will be issued on a total PDOD site or portions thereof unless a FDP has been approved and recorded with all conditions satisfied and any associated improvement agreement has been negotiated and signed. On large PDODs, phasing of FDP approvals and construction of

improvements may be coordinated in order to reduce the amounts of required performance guarantees which will be in effect at one time.

Article III. Design Standards

16.90.180 Design standards generally.

Basic design standards which are largely quantitative in nature are outlined in this article and either apply generally or are specified according to the base zone associated with the PDOD. Except where otherwise noted, these standards are to be defined by the preliminary plan review stage.

The design standards for an FDP encourage the following:

- 1) Promote the economic growth of the Granby community;
- 2) Provide for and improve existing commercial, residential, industrial and educational facilities within the community;
- 3) Ensures that the provisions of the zoning laws which direct the uniform treatment of dwelling type, bulk, density and open space within other zoning districts will not be applied in a manner which would distort the objectives of the Granby zoning code;
- 4) Allows for innovation in residential, commercial, and industrial development;
- 5) Allows an efficient use of land and of public and private services;
- 6) Reduces energy consumption and demand;
- 7) Lessens the burden of traffic on streets and highways by encouraging land uses which decrease trip length and encourage the use of public transit;
- 8) Conserves the value of the land and preserves environmental quality;
- 9) Encouraging development that preserves the natural characteristics of a site;
- 10) Encourages integrated community planning and development;
- 11) Supports goals for affordable and workforce housing, including encouraging greater housing diversity and incentivizing accessory dwelling units;
- 12) Provides for proximity of residents to parks and open spaces;
- 13) Provides multimodal improvements, including sidewalks, trails, crosswalks, transit stops, and related features
- 14) Encourages the development of community gathering places, public art, enhanced buffer spaces, and enhanced landscaping.

16.90.190 Density.

Density is a negotiable item and is to be expressed in terms of residential or commercial residential units per acre (gross) on an entire site and/or on individual development parcels or as floor-to-area ratios for commercial, office and industrial uses.

Gross densities shall be calculated for land areas comprising the property boundaries for entire sites and/or to the midpoint of adjacent streets for development parcels making up an entire site. Each site or parcel shall have the negotiated density numbers with the words “up to and including” on the plan to be recorded. All density figures represent maximum numbers only; they are not guarantees of actual densities, which can only be determined after detailed planning and site analysis and review at the FDP stage.

Density negotiations are to be carried out in relation to the following criteria:

- (a) Reasonable compatibility with the densities of the surrounding development.
- (b) Concern for the general criteria that the densities negotiated will allow the development to work from the following standpoints:
 - (1) Marketability – present and future;
 - (2) Preservation of a quality of life that reflects successful communities; and
 - (3) Site carrying capacity in relation to topography, vegetation, view maintenance and other natural physical attributes or constraints.
- (c) Concern for the interrelationship between density, height, open space and vehicle accommodation which promotes quality development for the benefit of residents and visitors alike.
- (d) The relationship of density to the general theme of the proposed development.

16.90.200 Planned development district size.

A PDOD shall consist of a minimum of one acre.

16.90.210 Open space.

(a) General. The amount of open space in a PDOD is a negotiable item and is to be expressed in terms of acres and percentages on the entire PDOD site and any of its subparts or development parcels. Open space shall be land areas not occupied by buildings or structures and attachments thereto, parking areas, driveways, streets or alleys. Said open space shall be devoted to landscaping, planting, patios, walkways, recreational areas and facilities, and preservation of natural features.

Open space negotiations are to be carried out in relation to the following criteria:

- (1) Avoidance of concentrating open space into large areas with the subsequent “packing” of remaining development areas.
- (2) Open space and/or landscaping must accompany all types of development.

(3) Larger open space areas are logically connected to each other and to external open spaces via linear path systems.

(4) Enhancement of the natural features of a development site.

(5) Degree of maintenance and/or development of waterways and bodies in the development as a recreational amenity.

(6) Degree of public access to open spaces and recreational amenities.

(7) Maintenance of a balance between planned open spaces and fees-in-lieu buyouts for public parks as outlined in the subdivision regulations.

(8) The inability to further subdivide dedicated open space.

(9) Open space shall comply with requirements of the preliminary plan and annexation agreement.

(b) Landscape Plan. All industrial, commercial, commercial residential, or mixed use PDODs or portions of PDODs that are commercial or industrial in nature shall submit a landscape plan for these areas at the FDP review stage.

(c) Recreation Improvements. Recreation facilities or structures and their accessory uses located in common recreation areas shall be considered open space so long as total impervious surfaces, including courts and roofs, constitute no more than 10 percent of the total open space negotiated for the development.

(d) Natural Physical Characteristics.

(1) Streams, lakes, other bodies of water, slopes in excess of 20 percent, and floodplains may be included as open space. Land areas containing identified geologic hazards may not be included in the negotiated open space amounts.

(2) Where natural streams or creeks traverse the PDOD, the maintenance of a nondisturbance zone of a minimum of 30 feet measured landward from the mean identifiable high water mark on the lake or stream banks shall be dedicated as open space. The Planning Commission may require an increase in this setback distance based on the following criteria:

(i) Degree of slope adjacent to the stream equals or exceeds 30 percent;

(ii) Highly erodible soils are present;

(iii) Wetlands are present; and/or

(iv) The proposed use of the property presents a special hazard to water quality (e.g., the storage or handling of hazardous or toxic materials).

(3) Any amount of common or public open space may be left in its natural state, except where landscaping plans are required as long as the recreational needs of the residents of the PDOD and the general public are being met in the opinion of the Planning Commission.

(e) Administration and Maintenance. The following provisions shall govern the administration of the common improvements and open space in all PDODs approved pursuant to these regulations:

(1) The FDP shall be approved subject to the submission of legal instruments setting forth a plan or manner of permanent care and maintenance of all common improvements, open space, and other facilities provided by the FDP. No such instrument shall be accepted until approved by the town attorney as to legal form and effect, and by the Planning Commission as to suitability for the proposed use of the common facilities, open space and subject recreation facilities. Such documentation shall conform to Section 24-67-105(6), C.R.S.

(2) The common open space and other facilities provided may be conveyed to a public agency or private association. If the common improvements, open space or recreational facilities are conveyed to a private association, the developer shall file, as a part of the aforementioned instruments, a declaration of covenants and restrictions, bylaws, and articles of incorporation that will govern the association.

16.90.220 Circulation.

(a) Streets and Ways.

(1) Development of streets and ways in a planned development shall be designed according to the requirements of the subdivision regulations and street design and development standards of the town and shall reflect the nature and function of streets. No two-way street driving surface shall be less than 30 feet wide. No cul-de-sacs shall be longer than 500 feet. A general street plan showing, at a minimum, the public arterial and collector roads will be required at the preliminary planned development plan review stage. A detailed and engineered public and private street plan is required for any FDP approval.

(2) There shall be a minimum of two accesses to any PDOD over two acres in size from the rest of the town. These access points shall be designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian and bicycle traffic; all access drives are not to exceed a five percent grade within 50 feet of their entrance onto a public or private right-of-way.

(3) The internal circulation system shall provide pedestrian and bicycle paths that are physically separated from vehicular traffic to serve residential, nonresidential and recreational facilities provided in or adjacent to the PDOD. Where designated bicycle paths or trails exist adjacent to the PDOD, safe convenient access shall be provided. The Planning Commission may require at the Town's discretion

pedestrian and/or bicycle overpasses, underpasses or traffic signalization in the vicinity of parks, shopping areas, or other uses that may generate considerable pedestrian and/or bicycle traffic and vehicular traffic conflicts.

(4) All public and private streets are to be paved. Private streets shall be dedicated to the town and other utility providers as utility easements where said easements are necessary or desired. All streets are to be completed and paved before a certificate of occupancy (CO) is issued on a structure(s). The paving requirements may be waived should weather conditions necessitate it or where a separate paving schedule has been agreed to as part of the FDP. All improvement bonds, escrow funds, etc., are to be held by the town until paving is complete. A fugitive dust control plan is to be included in the FDP documents and implemented during construction. All dedicated public streets need to be officially accepted by the town after paving is completed.

(5) All private streets shall be conveyed to a private home or property owners' association. If the private association or person(s) owning the private streets in the PDOD should in the future request that any private streets be changed to public streets, the private association or owner(s) will bear the full costs of reconstruction or any other action necessary to make the streets conform to the town's standards for public streets. The private association or owner(s) shall also agree that these streets shall be made to conform and be dedicated to public use without any form of public compensation to the private association or owner(s). Under no circumstances shall the town be obligated to accept ownership or repair or maintenance responsibility for such streets.

(b) Public Transit. All FDP site designs are to include, where appropriate, an emphasis on public transit access by providing convenient and covered loading and unloading points.

(c) Parking and Loading. Parking shall be provided as per the off-street parking requirements found elsewhere in these zoning regulations as defined in the base zoning district of the FDP. A detailed parking plan is to accompany all FDP applications.

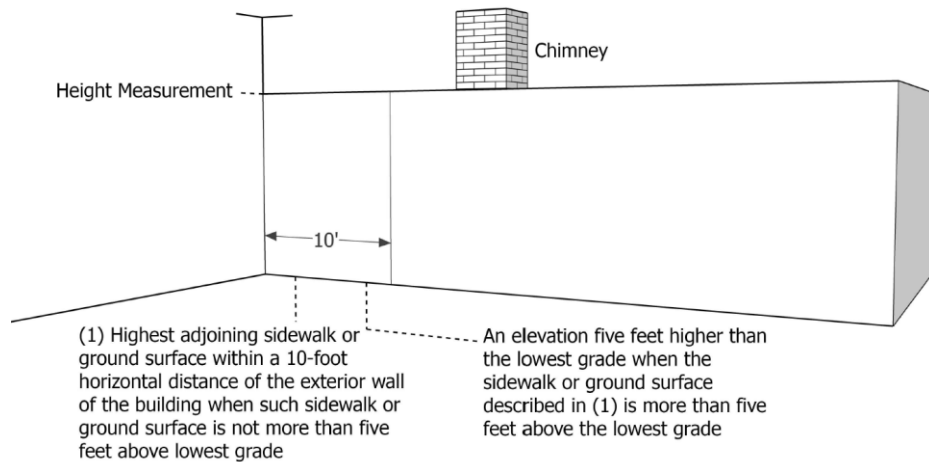
(d) Bridges. If any bridges are to be constructed within the PDOD on public or private ways (roads, streets, paths, etc.), these are to be built at the developer's expense to town standards and in full compliance with the dredge and fill laws of local, state and federal jurisdictions.

(e) Public Safety Access. All PDOD proposals will be submitted to the Grand Fire Protection District No. 1 for review and comment and shall comply with their design and approval standards.

16.90.230 Buildings.

(a) Height. Height limits are defined by the base zone under the overlay PDOD area, or may be defined within the PDOD standards. The method of measuring height is outlined in Chapter 16.10 GMC.

Measuring Building Height



(b) Spacing/Setbacks.

(1) Each PDOD shall provide reasonable visual and acoustical privacy for buildings. Fences, insulation, walks, barriers, landscaping and sound-reducing construction techniques shall be used as appropriate for the aesthetic enhancement of property and the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise.

(2) No specific yard, building setback or lot size requirements shall be imposed, other than those provided herein, in the PDOD; provided, that the spirit and intent of this article are complied with in the FDP. The Planning Commission may determine that certain setbacks and spacing be required within all or a portion of a PDOD for safety and aesthetic reasons.

16.90.240 Signs.

All signs are to conform to the town of Granby sign code, GMC Title 14.

16.90.250 Planned development overlay district (“PDOD”) perimeters and major rights-of-way.

(a) Definition of the perimeters of a PDOD utilizing opaque barriers or fences are a negotiable item should they be desired by the applicant. Negotiations are to be carried out in relation to the following general criteria:

- (1) Promotion of community cohesiveness;
- (2) Reduction of noise or adverse visual impacts of adjacent properties;
- (3) The interest of public safety;

- (4) Visual impact of the barrier itself in relation to the surrounding developments and environment;
- (5) Relationship of barrier height to the surrounding development;
- (6) The use of landscaping to offset the visual impact of opaque barriers;
- (7) The appropriateness of the degree of privacy desired by the applicant in relation to the community as a whole.

(b) Where a PDOD is adjacent to a railroad, state or federal highway right-of-way, a permanent open space at least 30 feet in width shall be required as a setback from such right(s)-of-way. The exceptions to this rule are the CB, MU-34/40, and MU-1 districts. This area shall be kept free of buildings, structures and parking and contain permanently maintained landscaping, unless screened or protected by natural features or fences or other types of barriers. Fences or barriers on the highway rights-of-way shall be negotiated using the criteria above.

16.90.260 Drainage and utilities.

- (a) General drainage and utility off-site connections are to be discussed at the preliminary plan stage.
- (b) The FDP is to include a drainage plan with contours drawn at a minimum of two-foot intervals.
- (c) The drainage plan is to avoid point source drains from the development without design of catchment basins or other suitable means to reduce pollution and sedimentation of the Colorado and Fraser Rivers and their tributaries.
- (d) The drainage system shall be designed for the PDOD by a registered professional engineer and shall be constructed in accordance with such design. Both on- and off-site improvements are to be constructed by the planned development developer.
- (e) The drainage plan shall include techniques and measures to prevent erosion on the site as well as into the Fraser or Colorado River or any of their tributaries during and after construction.
- (f) The storm drainage and runoff system is to be directed towards the nearest natural drainage way and designed for sufficient capacity to accommodate historical flows from a 100-year design storm onto and from the PDOD plus the increased runoff from all areas of the PDOD in its developed state. All drainage construction areas are to be relandscaped. The PDOD may not divert historical incoming flows to adjacent properties during or after construction nor increase flows on adjacent properties.
- (g) Final locations of connection points to existing utility systems both on or off the site, line layouts and sizes are to be provided at the FDP plan stage.

16.90.270 Other provisions and standards.

The FDP may include other provisions deemed necessary or desirable by the landowner/developer for the efficient development and preservation of the PDOD subject to the approval of the commission and the Board of Trustees. In addition, the Planning Commission and Board of Trustees may, in review of each PDOD, require that additional provisions, unless previously accepted, be incorporated into the preliminary plan or FDP or that conditions be imposed in the public interest to ensure that the PDOD will be developed in accordance with good design standards and practices and can exist compatibly with the neighboring land uses and the community as a whole. Such requirements and conditions may include, but shall not necessarily be limited to, any of the land use requirements or controls not mentioned in the previous sections which would otherwise be applicable by reason of the Granby zoning code, or modifications thereof, including without limitation requirements relating to building design, location and construction, minimum yards, setbacks, lot widths, building spacing and floor areas, and requirements regarding the availability and provision of streets, roads, utilities and other public or quasi-public facilities. Any such requirements and conditions imposed by the Planning Commission or Board of Trustees shall be specifically set forth in the FDP, as finally approved.

(a) Enforcement. The provisions of the approved FDP may be enforced by the town and/or by the occupants, residents and owners of the PDOD to the extent and in the manner provided by Section 24-67-106, C.R.S. In addition to and without limitation on such powers of enforcement, the approved PDOD or the FDP of the development may provide for additional rights and remedies as against the landowner in the event of any violation of the provisions of the plan.

(b) Conflict with Other Laws. This chapter shall be liberally construed in furtherance of the purposes stated herein to encourage the use of PDODs. If the provisions of any existing ordinances or regulations of the town of Granby, including without limitation the Granby zoning code and subdivision regulations, are found to be expressly inconsistent or at great variance with the provisions of this chapter, the provisions of this chapter shall control. All existing ordinances or regulations of the town or parts thereof, which are inconsistent with the provisions contained herein, to the extent of such inconsistency, are hereby superseded by these PDOD regulations.

Review and Renewal of Conditional Use Permits (Sections 16.105.010 and 16.105.015):

Sections:

16.105.010 Conditional use permit – Review process.

16.105.015 Conditional use permit – Renewal or extension.

16.105.010 Conditional use permit – Review process.

(a) All conditional uses as specified in each district will be subject to a two-step review process. Step 1: Commission review and recommendation; Step 2: Board review and decision.

(b) Applicants for a conditional use permit (CUP) shall complete a written application for such use which shall be obtained from the Director of Community Development or their designee.

(c) Submittal Documents.

(1) Application cover sheet and description of the conditional use;

(2) The applicant shall execute a reimbursement agreement with the Town (Section 16.15.60.30).

(3) Site plan drawing at appropriate and legible scale showing legal parcel dimensions and structure and use locations;

(4) Landscape and impact buffering plans;

(5) Descriptions of the plan to mitigate any negative impacts created by the CUP (such as noise, smell, light, etc.);

(6) The applicant shall provide to the town clerk or their designee proof of posting mailing by the applicant of the notice regarding the CUP application and the date and time of the hearing with the Board of Trustees to the appropriate surface owners, mineral owners and lessees of mineral rights, and owners of land within 300 feet of the parcel property line as their names appear upon the plats and records in the Grand County clerk and recorder's office, within two business days of the date of mailing of the notice.

(7) Development schedules;

(8) Any other information required by the town to review the application;

(9) Specified filing fee payment;

(10) Proof of ownership by applicant.

(11) (i) Filing Fees. The board will set a filing fee for conditional use permits to cover general administrative costs and recording fees. In addition, the Town clerk shall complete the notice of publication for the application with the official newspaper of record, and the applicant shall pay for the costs of the notice of publication.-These fees and bills must be paid before the permit is signed.

(d) Approval process.

i) Pre-Application Meeting: The applicant shall attend a Pre-Application Meeting with the Director of Community Development or their designee to review the requirements for the submittal of a request for a conditional use permit and discuss issues relevant to the CUP request. Please consult Section 16.15.060 for additional details concerning Pre-Application Meetings.

ii) Fees and Reimbursement Agreement:

Any applicant to the Town for a CUP request shall pay a base fee (established by the Town) for the review and processing of an application. The applicant shall execute a reimbursement agreement with the Town (Section 16.15.60.30). The payment of the application fee and the signing of a reimbursement agreement are required before the Town begins the process of reviewing a completed application.

iii) Completeness Review: The Director of Community Development or their designee shall determine whether the application is complete based on compliance with the submittal requirements herein. The review of completeness shall take place within seven (7) calendar days at which time the Town or its authorized agent or designee will make one of the following determinations:

(1) Application Is Not Complete. If the application is not complete, the Director of Community Development or their designee shall inform the applicant of the deficiencies in writing and the timeline for approval resets. No additional action shall be taken on the application until the deficiencies are remedied. If the applicant does not provide a complete set of application documents within sixty (60) calendar days, the application shall be deemed void, all fees paid to the Town shall be surrendered, and all reimbursement expenses due to the Town shall be paid.

(2) Application Is Complete. If the application is complete, the Director of Community Development or their designee shall certify it as complete and provide written notice to the applicant including the date of determination of completeness.

- iv) The submittal of a revised CUP request (in response to the determination that the original application was not complete) shall initiate a re-starting of the calendar of deadlines (for the applicant and for the Town) for the approval process for the CUP in accordance with this section of the code.
- v) The Town Clerk shall establish the date of advisory review with the Planning Commission for the application to occur no less than 30 calendar days after the date the Town issues a completeness review memorandum to the applicant.
- vi) No later than seven (7) calendar days before the scheduled date of the Planning Commission Advisory Review, the Town Clerk shall publish an official notice of the upcoming Planning Commission advisory review meeting in the official newspaper.

(e) The Planning Commission shall review all the submitted documents and make a recommendation for approval, approval with conditions, or denial to the Board of Trustees. The Planning Commission review shall concern itself with the completeness of the application submittal documents, the relative compatibility of the proposed use in relation to surrounding uses, the degree of conformance to the intent of the Granby Comprehensive Plan for the area, the proposed on- and off-site mitigation measures used to temper the impacts of the use on surrounding properties and other factors deemed appropriate by the commission.

(f) Review by the Board of Trustees shall be conducted in a public hearing format within 30 calendar days of the completion of the commission's review. The town clerk shall have caused a public hearing notice to be published in the official newspaper of the town at least 15 calendar days in advance of the hearing. The applicant shall obtain from the Town Clerk the notice to be mailed to nearby or adjacent property owners. The applicant shall provide to the town clerk or their designee proof of mailing by the applicant of the notice to the appropriate surface owners, mineral owners and lessees of mineral rights, and owners of land within 300 feet of the parcel property line as their names appear upon the plats and records in the Grand County clerk and recorder's office, within two business days of the date of mailing of the notice. The applicant shall provide proof of mailing to the Town within a minimum of seven (7) calendar days prior to the scheduled Board of Trustees public hearing.

(g) The Board of Trustees shall conduct the hearing and make findings in regards to the application. Upon weighing all the evidence presented, a decision for approval, approval with conditions or denial must be made on the application. Decisions of the board are final. Findings are to be made utilizing the following criteria:

- (1) Preservation of the interests of the health, safety and welfare of the community as a whole;
- (2) Compatibility with and effect on the neighborhood in which the use is to be located;
- (3) Mitigation measures used to alleviate on- and off-site impacts due to the development and operations of the use;

- (4) Preservation of property values;
- (5) Public reaction to the proposal;
- (6) Likelihood of a nuisance being created;
- (7) Any other criteria deemed appropriate by the board.

Conditions imposed on any approved application may include time limits, future review and renewal of the permit, limits to quantities of material allowed on the site, pollution control measures, additions to screening plans, etc. The Board of Trustees may continue any conditional use review hearing for as long as necessary before rendering a decision. In addition, the Board of Trustees may require the applicant to enter into a written contract or other assurance which the Board of Trustees may, in its discretion, deem advisable as a condition for the granting of such CUP pursuant to the application.

(h) Upon approval and settling of accounts, the CUP application with attached conditions and plans shall be signed by the mayor, attested by the town clerk, and filed with the Grand County clerk and recorder.

16.105.015 Conditional use permit – Renewal or extension.

In those instances where the Board of Trustees has previously approved a CUP for a definite term, and the permittee desires to renew or extend that term, the following abbreviated submittal requirements and review process shall apply:

(a) Submittal Documents. The applicant shall submit the following documents to the Town Clerk.

- (1) Application cover sheet and description of the conditional use;
- (2) Certification by the applicant that neither the nature nor extent of the use, site plan, landscape and impact buffering plan, impact mitigation methods, development schedules or other significant aspects of the previously approved conditional use have changed since the Board of Trustees' original approval of the CUP;
- (3) List of property owners' physical and mailing addresses within 300 feet of the application parcel boundary;
- (4) Proof of ownership of the property by the applicant;
- (5) Specified filing fee payment;
- (6) Signed reimbursement agreement;
- (7) Any other information requested by the town to review the application.

(b) Review and approval process.

The renewal application will be reviewed only by the Board of Trustees, unless the Director of Community Development or their designee determines that the matter should first be referred to the Planning Commission.

i) **Fees and Reimbursement Agreement:**

Any applicant to the Town for a CUP renewal request shall pay a base fee (established by the Town) for the review and processing of an application. The applicant shall execute a reimbursement agreement with the Town (Section 16.15.60.30). The payment of the application fee and signing of a reimbursement agreement is required before the Town begins the process of reviewing a completed application.

ii) **Completeness Review:** The Director of Community Development or their designee shall determine whether the application is complete based on compliance with the submittal requirements herein. Completeness shall take place within seven (7) calendar days at which time the Director of Community Development or their designee will make one of the following determinations:

(1) Application Is Not Complete. If the application is not complete, the Director of Community Development or their designee shall inform the applicant of the deficiencies in writing and the timeline for approval resets. No additional action shall be taken on the application until the deficiencies are remedied. If the applicant does not provide a complete set of application documents within sixty (60) calendar days, the application shall be deemed void, all fees paid to the Town shall be surrendered, and all reimbursement expenses due to the Town shall be paid.

(2) Application Is Complete. If the application is complete, the Director of Community Development or their designee shall certify it as complete and provide written notice to the applicant including the date of determination of completeness.

- iii) The submittal of a revised CUP request (in response to the determination that the original application was not complete) shall initiate a re-starting of the calendar of deadlines (for the applicant and for the Town) for the approval process for the CUP in accordance with this section of the code.
- iv) The Town Clerk shall establish the date of the hearing with the Board of Trustees for the application to occur no less than 30 calendar days after the date the Town issues a completeness review memorandum to the applicant.
- v) No later than twenty (20) calendar days before the scheduled date of the Board of Trustees public hearing, the applicant shall obtain from the Town Clerk the notice to

be mailed to nearby or adjacent property owners. The applicant shall provide to the town clerk or their designee proof of mailing by the applicant of the notice to the appropriate surface owners, mineral owners and lessees of mineral rights, and owners of land within 300 feet of the parcel property line as their names appear upon the plats and records in the Grand County clerk and recorder's office, within two business days of the date of mailing of the notice. The applicant shall provide proof of mailing to the Town within a minimum of seven (7) calendar days prior to the scheduled Board of Trustees public hearing.

- vi) No later than seven (7) calendar days before the scheduled date of the Board of Trustees hearing, the Town Clerk shall publish an official notice of the upcoming Board of Trustees public hearing.
- vii) The Board of Trustees shall hold a public hearing to review the request for the CUP renewal and shall either approve or deny the request. All decisions made by the Board of Trustees shall be final.

(c) Exceptions. The abbreviated renewal process described above shall not be used if any one or more of the following circumstances exist:

- (1) The Town has received any written complaints about the operations or uses authorized by the conditional use permit during the previous term of the permit.
- (2) The operations or uses sought by the applicant have changed from those approved by the previous permit.
- (3) The Director of Community Development or their designee determines that the renewal application should be subject to the normal review process as set forth in GMC 16.105.010.
- (4) Any violation has been issued to the applicant during the previous term of the Conditional Use Permit.
- (5) Any outstanding fees are owed to the Town.

Temporary Use Permits (Section 16.105.020):

16.105.010 Temporary uses.

(a) Temporary Uses. Upon application to the town clerk, a temporary use permit may be issued for the uses specified below. Such permits shall be valid only for the period of time specified below, and only two renewals of the permit may be granted. Failure to terminate such temporary use by the specified time shall be considered a violation of this code. Uses may be added to this list from time to time by the Board of Trustees. All temporary uses involved in the sale of goods require a sales tax license. Other licenses may also apply.

Permits are subject to reasonable stipulations established at the time of application and review including but not limited to: safe and adequate access; sufficient parking without interfering with public rights-of-way, streets and sidewalks; adequate sanitation facilities; provision for collection, recycling and disposal of all waste; and compliance with all building, construction and fire codes.

Nothing in this section shall be construed so as to prohibit persons from conducting garage or yard sales, children's beverage and snack stands in the residential zone districts of the town, subject to all applicable rules and regulations.

Temporary Use	Time Period Permitted
Construction and sales office which also can be used as security quarters incidental to construction on the premises	Two years
Parking for another temporary use	Same as temporary use for which it is permitted
Christmas tree sales	60 consecutive days
Temporary offices, classrooms, and bank facilities in module units	Not to exceed two years after a site development plan as required is approved

designed for that
occupancy classification

Real estate offices and model homes incidental to a new housing development	Not to exceed two years after the first certificate of occupancy
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Temporary residential or commercial storage containers	40 consecutive days
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Natural disaster and emergency offices	12 months
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* Stationary food stands including vending machines.

** Mobile food service – Permit required.

(b) Notwithstanding any provisions of this title to the contrary, food stands shall be permitted in all zone districts of the town so long as the location of the food stands is not within 300 feet of an occupied dwelling or of property upon which a public or private school is located.

(c) No food stands shall be located so as to obstruct a public sidewalk or the traveled portion of the public right-of-way.

(d) No person shall conduct a mobile food stand business within the town unless said person has first obtained a peddler's and solicitor's license from the town for each location within the town at which the food stand's business is to be conducted. Every applicant for a food stand permit shall submit a completed application to the town clerk. Said application shall be accompanied by the permit fee and shall contain the following information:

(1) Name and address of the applicant;

(2) A written description of the nature of the food stand service to be conducted by the applicant, including the type of food or beverages to be served;

(3) A valid copy of the sales tax license issued by the town;

(4) A description of the cart or other vending device from which food or beverages are to be served;

(5) A plot plan showing the proposed location of the food stand in relation to the town rights-of-way and the traveled portion in any town street or sidewalk;

(6) A statement indicating the distance of the proposed mobile food stand location from the nearest occupied dwelling and public or private school property;

(7) Evidence of compliance with any regulations of the Department of Health; and

(8) In the event the food stand is to be conducted on private property, the application shall be accompanied by a written statement signed by the owner of said property granting the operator of the proposed food stand the right to conduct business on said property.

(e) Before issuing a food stand permit, the town clerk or the town clerk's designee shall first determine whether the vending device to be used complies with the design standards established by the town and whether the proposed location of the food stand is compatible with the public interest in the use of the public right-of-way. In making the determination as to the compatibility with the use of the public right-of-way, the town clerk or the town clerk's designee shall consider the width of the sidewalk or right-of-way at or adjacent to the proposed food stand location, the location of adjacent buildings, the availability of adequate parking areas, the proximity of loading zones, or the presence of other characteristics which may result in obstruction of the sidewalk or right-of-way or in pedestrian or street congestion.

(f) The food stand permit shall be valid for a period of 12 months from the date of issuance. In the event a food stand operator wishes to renew the permit, he or she shall first submit to the town an application updating all information contained in the initial application, along with the annual permit fee.

(g) Each permit shall be valid for not more than one location.

(h) A person to whom a food stand permit has been issued shall pick up and remove any paper, cardboard, wood, or plastic containers, wrappers, or any similar litter which is deposited by any person within 25 feet of the approved location designated on the permit; and the permittee shall carry a suitable container for placement of such litter by customers or other persons.

(i) The Town shall enforce the rules and stipulations established as part of permits for temporary uses and report violations to the Town Clerk. The Town may enact fines up to and equal to the full amount paid to the Town for the permit for violations of the terms of a permit. In addition, the Town reserves the right to pursue permit holders for civil and criminal damages for any damages resulting from the temporary use during the term of the approved permit.

Site Plan Review (Section 16.125.180):

Sections:

- 16.125.180.010 Site plan requirement.
- 16.125.180.020 Application requirements.
- 16.125.180.030 Site plan approval process.

16.125.180.010 Site plan requirement.

- (a) All site plans shall be submitted to the Town using the Town's online portal.
- (b) For all plat processes established in this Code, a site plan shall be required for any project if development is intended to proceed concurrently with the plat approval process.

16.125.180.020 Application requirements.

Single-family detached dwelling constructed on individual, legally platted lots are exempt from the site plan review requirements of this chapter. All other development, including multi-family residential, commercial, industrial, and mixed-use projects, shall be subject to site plan review unless expressly exempted elsewhere in this code. All site plans shall contain the following information, supplemented as applicable by the design standards of GMC [17.25.010](#); the standards for zoning districts outlined in sections of the GMC 16.45 through 16.90; the standards of GMC Title 11 (Parks and Recreation); the standards of GMC Title 12 (Streets, Alleys, Sidewalks, and Public Places); and Title 14 (Signs).

- (1) A completed site plan application form, along with fees and a signed reimbursement agreement;
- (2) Name of the project located at the top center of the sheet. Below this should be the location of the development by streets adjacent to the zone lot, along with the section, range and township.
- (3) Legal description of zone lot.
- (4) North point – the top of the sheet will be north whenever possible.
- (5) A survey showing property boundary lines and dimensions, existing and proposed public and private easements, existing easements of record, roadways, rail lines and rights-of-way adjacent to or crossing the property. Boundary lines of the zone lot shall be shown in heavy solid line. (Also show the elevation and location of bench mark used, U.S.G.S. datum.)
- (6) Sheet size shall be 24 inches by 36 inches with a preferred scale of one inch equals 50 feet. The top, bottom, and sides of the sheet should have a one-inch-wide margin.

- (7) A general vicinity map drawn to an approximate scale of one inch equals 1,000 feet.
- (8) Signature box for the signature of the Town Manager. The signature box shall be two and one-half by three-inches in size and be located in the lower right-hand corner of the site plan. A current pdf version of the signature box may be obtained from the Town clerk.
- (9) Signature box for the signature of a representative of the HOA (if applicable)
- (10) Approval letter from the local fire authority indicating the approval of the local fire authority for all fire accessways, fire hydrants, fire water lines, fire suppression systems, and related fire equipment or fire-related features.
- (11) The existing and proposed finished grade contour lines of the project area shown in intervals not to exceed two feet.
- (12) The present zoning classifications of all abutting properties.
- (13) The required setbacks shown as dotted lines on the property.
- (14) The location, size and arrangement of proposed buildings and existing buildings which will remain, if any; the maximum height of buildings in stories and feet; the floor area ratio, total floor area and total square feet of ground area coverage; the number of dwelling units.
- (15) A minimum of front and side elevations of all buildings showing predominant architectural elements and extension treatments.
- (16) Location, dimensions and number of all vehicular and pedestrian circulation elements, including streets and roadways, driveways, entrances, curbs, curb cuts, parking stalls, loading spaces, and access aisles; sidewalks, walkways, and bikeways, including slope and gradient of vehicular elements; the private roads or streets within the project shall be designed to allow reasonable ingress and egress for emergency vehicles.
- (17) Utility plans, indicating placement of water mains, sanitary sewers, and storm sewers, including surface and subsurface drainage.
- (18) Locations, design, height, size and orientation of all outdoor signs and illumination.
- (19) Location and height of all walls, fences, screens and planting areas.
- (20) Location, height and type of all outdoor lighting.
- (21) A tabulation of the following information with respect to the area included in the site plan:

Total project area _____
acres

Number of dwelling units by type:

Single-family detached _____
units

Single-family attached or townhouses _____
units

Multifamily _____
units

Floor area ratio of commercial or
industrial projects _____
FAR

Maximum height of buildings _____
feet

Number of parking spaces required _____
spaces

For commercial developments,
indicate the area of planting beds
adjacent to parking areas _____
square
feet

Total paved area within the project _____
square
feet

(22) Location of all outside facilities for solid waste disposal.

(23) Show all existing and proposed fire hydrants, control facilities, standpipes, etc.

(24) Show drainage ways, detention areas, and water pollution control devices with the volumes described in cubic feet.

(25) Types of surfacing to be used at various locations.

(26) All vehicular and pedestrian elements designed and constructed to Town specifications.

(27) Approval of all fire accessways, fire hydrants, fire water lines and fire suppression systems, prior to submission of the site plan to the Town. The application shall include documentation of the review and approval of the site plan by the Fire Authority prior to submittal to the Town for review.

(28) Narrative outlining how the site plan adheres to the applicable requirements of the zoning district standards of GMC 16.45-16.90 and the goals and policies of the Town of Granby Comprehensive Plan, and addresses any pre-existing site deficiencies.

(29) Generally depict the landscape plan for the site. Include:

(i) Locations and general plant types planned therein;

(ii) Types of surfacing such as asphalt paving, turfing, graveling, etc.;

(iii) Proposed initial plant sizes;

(iv) Designation of any snow storage areas and proposed landscaping thereon;

(v) Locations and types of any passive or active recreation areas;

(vi) Proposed means of plant irrigation.

(30) Proposed facilities and method for public transit boarding and unloading where appropriate.

(31) To the extent the development requires installation or improvements to public infrastructure or any work within the public right of way, the applicant shall execute an improvements agreement acceptable to the Board of Trustees of the Town. Any work required pursuant to an improvements agreement must be completed before a certificate of occupancy will be issued for any building identified on the site plan.

16.125.180.30 Site plan approval process

Except for conditional uses (which require review and approval by the Granby Planning Commission and Board of Trustees, site plans shall be reviewed as follows:

- 1) Pre-Application Meeting:** The applicant shall attend a Pre-Application Meeting with the Director of Community Development or their designee to review the requirements for the site plan submittal and discuss issues relevant to the site design. The Director of Community Development or their designee will provide guidance to the applicant regarding whether the Site Plan shall require approval by the Planning Commission. Please consult Section 16.15.060 (e) for additional details concerning Pre-Application Meetings.

2) Completeness Review: The Director of Community Development or their designee shall determine whether the application is complete based on compliance with the submittal requirements herein. Completeness shall take place within 10 calendar days at which time the Director of Community Development or their designee will make one of the following determinations:

(1) Application Is Not Complete. If the application is not complete, the Director of Community Development or their designee shall inform the applicant of the deficiencies in writing and the timeline for approval resets. No additional action shall be taken on the application until the deficiencies are remedied. If the applicant does not provide a complete set of application documents within sixty (60) calendar days, the application shall be deemed void, all fees paid to the Town shall be surrendered, and all reimbursement expenses due to the Town shall be paid.

(2) Application Is Complete. If the application is complete, the Director of Community Development or their designee shall certify it as complete and provide written notice to the applicant including the date of determination of completeness.

- 3)** In the event an applicant submits a new site plan after the original application, such submittal shall be considered a new application and the process shall begin anew with the determination of application completeness review. The submittal of a new ~~or revised~~ site plan after the original application shall initiate a re-starting of the calendar of deadlines (for the applicant and for the Town) for the approval process for the site plan in accordance with this section of the code.
- 4)** Upon determination of completeness, the Director of Community Development or their designee shall review the substance of the application and shall issue a unified written response identifying any part of the Site Plan that is not in compliance with this Code.
- 5)** The unified response will be provided to the applicant within 14 calendar days.
- 6)** The applicant shall then submit a revised Site Plan that addresses the Town's written, unified response within 30 calendar days of the applicant's receipt of the written, unified response.
- 7)** If the applicant fails to submit a revised Site Plan within 30 calendar days, the applicant shall be deemed as withdrawn, and the applicant must begin the site plan approval process anew. The Director of Community Development or their designee may grant a one-time extension request of this deadline, of no greater than 30 calendar days.
- 8)** Following receipt of the revised Site Plan, the Director of Community Development or their designee shall issue confirmation that the application satisfies design requirements (once achieved) within 14 calendar days of receipt.

- 9)** The Town Clerk shall not establish the date of hearing with the Planning Commission (if necessary for site plan approval, as confirmed in the Pre-Application meeting) for the application until the end of the 14 calendar day response time identified in GMC 17.20.30.
- 10)** The Town Clerk shall establish the date of hearing with the Planning Commission (if necessary) for the application to occur no less than 15 days after the date the Director of Community Development or their designee issues a confirmation that the submittal complies with the provisions of this Code.
- 11)** The Director of Community Development or their designee shall issue a unified staff report to the Planning Commission and the staff report shall recommend either an “approval” or “denial” of the application (if Planning Commission approval is necessary).
- 12)** If necessary, the Planning Commission shall conduct a hearing regarding the site plan and shall either approve or deny the site plan application. All decisions of the Planning Commission regarding the site plan approval are final.
- 13)** The site plan shall be submitted to the town prior to and as a condition of submitting an application for a building permit.
- 14)** Upon approval of a site plan, the Director of Community Development or their designee shall so note with his or her initials on the plan, and the applicant may proceed to submit for a building permit as per town regulations. Failure of the applicant to comply with constructing an approved site plan arrangement shall have certificates of occupancy withheld until compliance is determined.
- 15)** The Director of Community Development or their designee must complete a site visit to confirm that the applicant has completed work and improvements associated with the site plan satisfactorily, prior to the Town issuing a certificate of occupancy. The applicant must submit a request in writing to the Town to schedule the site visit required prior to the issuance of a certificate of occupancy.

Commercial Use of Town Property, Rights-Of-Ways and Other Areas (Section 16.130):

Sections:

- 16.130.010 Definitions
- 16.130.020 Permit required
- 16.130.030 News, filming and photography exemptions
- 16.130.040 Application
- 16.130.050 Permit Fees and Reimbursement Agreement
- 16.130.060 Completeness review
- 16.130.070 Review by the Town Manager or his or her Authorized Agent or Designee
- 16.130.080 Permit denial or revocation.
- 16.130.090 Appeals
- 16.130.100 Insurance
- 16.130.110 General permit conditions
- 16.130.120 Penalty for violation

16.130.010 Definitions

As used in this chapter, the following terms are defined as indicated: “Commercial activity” means and includes all activity intended to result in an economic benefit to an entity other than a governmental or other nonprofit entity, including but not limited to staging or shooting commercial motion pictures, television shows or programs, television commercials, and commercial photography, or making commercial advertisements or similar materials.

16.130.020 Permit required.

No person shall use any Town-owned street, alley, sidewalk, park, way, or other public property owned or controlled by the Town for the purpose of commercial activity, including but not limited to taking commercial motion pictures, television pictures, commercials, or commercial still photography, without first applying for and receiving a permit from the Town Manager or his or her authorized agent or designee, subject to the following regulations.

16.130.030 News, filming and photography exemptions.

This chapter shall not apply to or be construed to affect:

- (a) Reporters, photographers, or cameramen in the employ of a newspaper, news service, or similar entity engaged in on-the-spot broadcasting of news events concerning those persons, scenes or occurrences which are in the news and of general public interest;

(b) The filming or videotaping of motion pictures or still photography solely for private individual or family use; or

(c) Projects which qualify as charitable, in the discretion of the Town Manager or his or her authorized agent or designee.

16.130.040 Application.

An application for commercial activity under this chapter must be submitted to the Town through its online portal at least 21 calendar days prior to the first day of the proposed activity.

Each application must include:

(a) The name, address, and telephone number of the person or persons in charge of such commercial activity;

(b) A general statement of the character or nature of the proposed activity;

(c) The specific address or place of the activity;

(d) The inclusive hours and dates such activity will transpire;

(e) The number of personnel to be involved;

(f) The number and type of vehicles and equipment to be involved;

(g) Use of any animals, pyrotechnics, or other matters that may present a danger to those involved in the activity or to the public; and

(h) Such additional information as the Town Manager or their designee may reasonably require.

16.130.050 Permit Fees and Reimbursement Agreement

The applicant shall execute a reimbursement agreement with the Town (Section 16.15.60.30) and pay applicable fees for the application and review.

16.130.060 Completeness Review

The Town Manager or their designee shall determine whether the application is complete based on compliance with the submittal requirements herein. Completeness shall take place within five calendar days at which time the Town Manager or their designee will make one of the following determinations:

(1) Application Is Not Complete. If the application is not complete, the Town Manager or their designee shall inform the applicant of the deficiencies in writing and the timeline

for approval resets. No additional action shall be taken on the application until the deficiencies are remedied. If the applicant does not provide a complete set of application documents within sixty (60) calendar days, the application shall be deemed void, all fees paid to the Town shall be surrendered, and all reimbursement expenses due to the Town shall be paid.

(2) Application Is Complete. If the application is complete, the Town Manager or their designee shall certify it as complete and provide written notice to the applicant including the date of determination of completeness.

Applications deemed complete may proceed to a formal review by the Town Manager or their designee.

16.130.070 Review by the Town Manager or his or her Authorized Agent or Designee

The Town Manager or their designee reserves the right to reject an application if the commercial activity poses risks to the safety of the community. If the application is approved, the applicant may proceed with the proposed commercial activity.

The Town Manager or their designee shall review the completed application within five calendar days of the application being deemed complete (under Section 16.130.060).

(a) The Town Manager or their designee shall issue a permit under this chapter if the Town Manager or their designee finds that the following criteria have been met:

- (1) To the extent the proposed use of the property is governed by or subject to any other permit procedures or regulations provided elsewhere in this code or other applicable laws, rules, or regulations, such permit procedures or regulations have been fully complied with by the applicant;
- (2) The activity will not substantially interrupt public transportation or other vehicular or pedestrian traffic in the area of its location;
- (3) The activity will not conflict with construction or development in the public right-of-way or at a public facility;
- (4) The activity will not require diversion of public safety or other Town employees from their normal duties so as to unreasonably reduce adequate levels of service to any other portion of the town;
- (5) The concentration of persons, animals, vehicles or equipment will not unreasonably interfere with the movement of police, fire, ambulance, and other public safety or emergency vehicles on the streets;
- (6) The activity will not unreasonably interfere with any other activity for which a permit has already been granted or other scheduled events or scheduled government functions;

(7) The adverse impact upon residential or business access and traffic circulation in the general area of the activity can be reasonably mitigated; and

(8) The activity will not have a significant adverse impact on the environment.

(b) The Town Manager or their designee may refer the application to the Board of Trustees for review and approval or denial.

16.130.080 Permit denial or revocation.

(a) The Town Manager or their designee may deny any application for a permit or revoke any permit if he/she finds any of the following:

(1) The activity does not or ceases to meet the criteria set forth in GMC 16.130.070;

(2) The location of the activity will cause undue hardship to adjacent businesses, residents, or users of public areas;

(3) The application contains incomplete, false, or misleading information;

(4) The applicant fails to comply with all terms of this chapter including failure to remit all fees and deposits, or failure to provide proof of insurance or an indemnification agreement as required by this chapter; or

(5) The proposed or actual activity would present or presents an unreasonable danger to the health or safety of any applicant, spectator, Town employee, or member of the public.

(b) An event organizer whose permit application is denied or revoked pursuant to this section shall be immediately notified of the action of denial or revocation, which notification shall contain a statement setting forth the reasons for said denial or revocation as well as a reference to the appeal provisions set forth in GMC 16.130.090. Notification, pursuant to this subsection, shall be deemed sufficient when the notice is placed, postage prepaid, in the United States mail, certified, return receipt requested, and addressed to the applicant at the address shown on the permit application or hand delivered to the applicant.

16.130.090 Appeals.

If the permit is denied by the Town Manager or their designee, the applicant shall have the right to appeal such denial to the Board of Trustees. Such appeal must be made in writing and filed with the town clerk within 15 calendar days of the date the notice of denial is mailed or otherwise provided to the applicant. Such appeal shall be heard by the Board of Trustees within 60 calendar days of the date it is filed at a regular or special meeting of the Board of Trustees. The Board of Trustees' decision shall be reflected in a written resolution duly adopted by the Board of Trustees.

16.130.100 Insurance.

- (a) Every permittee shall provide insurance and bonds acceptable to the Town Manager or their designee in his/her reasonable discretion.
- (b) If the Town Manager or their designee determines that a particular use, event, or activity related to the permit does not present a substantial or significant public liability or risk of property damage for the Town or its officers, agents, and employees, the Town Manager or their designee may waive all or part of the insurance requirements of this section. Such waiver shall be provided in writing.
- (c) Each permit shall expressly provide that the permittee agrees to defend, protect, indemnify, and hold the Town, its officers, employees, and agents free and harmless from and against any and all claims, damages, expenses, loss, or liability of any kind or nature whatsoever arising out of, or resulting from, the alleged acts or omissions of permittee, its officers, agents, or employees in connection with the permitted activity; and the permit shall expressly provide that the permittee shall, at permittee's own cost, risk, and expense, defend any and all claims or legal actions that may be commenced or filed against the Town, its officers, agents, or employees, and that permittee shall pay any settlement entered into and shall satisfy any judgment that may be rendered against the Town, its officers, agents, or employees as a result of the alleged acts or omissions of permittee or permittee's officers, agents, or employees in the connection with the uses, events and activities under the permit.

16.130.110 General permit conditions.

Any applicant granted a permit pursuant to this chapter shall comply with all of the following conditions:

- (a) The permittee shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use and the cleanup of trash and debris. Upon completion of the activity, the areas used for the activity shall be returned to the original condition before leaving the site.
- (b) The permittee shall comply with such other conditions as may be added to the permit by the Town Manager or their designee in the exercise of his/her reasonable discretion, in order to protect the public health, safety and welfare, as well as the assets of the Town.

16.130.120 Penalty for violation.

The Town reserves the right to assess monetary penalties for violations of the terms of approved permits. A violation of the terms of the permit constitutes a violation of the Town code, which subjects the licensee to the Town's municipal court system after citation and the maximum \$2,650 per day fine.

Small Cell Facilities in Public Rights-Of-Way (Section 16.135):

Sections:

- 16.135.010 Purpose and Scope
- 16.135.020 Definitions.
- 16.135.030 Application and Review Process
- 16.135.040 Application Requirements
- 16.135.050 Review criteria – Burden of proof – Denial.
- 16.135.060 Post approval provisions.
- 16.135.070 General standards.
- 16.135.080 Design standards and technical requirements for small cell facilities in the rights-of-way.
- 16.135.090 Siting requirements.
- 16.135.100 Waivers.
- 16.135.110 Undergrounding.
- 16.135.120 Liability.

16.135.010 Purpose and scope.

(a) Purpose. The purpose of this chapter is to establish policies and procedures for the placement of small cell facilities, utility poles and stand-alone poles in rights-of-way within the Town's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the town rights-of-way and the town as a whole. Notwithstanding the above, nothing in this chapter authorizes the placement of macro facilities in the rights-of-way which are prohibited in the rights-of-way.

(b) Intent. In enacting this chapter, the Town is establishing uniform standards to address issues presented by small cell facilities, including, without limitation, to:

- (1) Limit interference with the use of streets, sidewalks, alleys, parkways, public utilities, public views, certain town corridors, and other public ways and places;
- (2) Limit the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
- (3) Limit interference with the facilities and operations of other facilities lawfully located in rights-of-way or public property;
- (4) Limit environmental damage, including damage to trees;
- (5) Respect the character of the neighborhoods and other areas in which facilities are installed; and

(6) Facilitate efficient but responsible deployment of small cell facilities to provide the benefits of advanced wireless services.

16.135.020 Definitions.

When used in this chapter, the following terms and phrases shall have the following meanings, unless the context indicates otherwise:

“Antenna” means an apparatus designed for the purpose of emitting radiofrequency (RF) signals, to be operated or operating from a fixed location for the provision of personal wireless service and any commingled information services.

“Applicable codes” means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization, or local amendments to those codes, enacted solely to address imminent threats of destruction of property or injury to persons, to the extent not inconsistent with this chapter.

“Applicant” means a person or entity that submits an application to site, install, collocate or modify a small cell facility in the rights-of-way, and the agents, employees, and contractors of such person or entity.

“Application” means a request submitted by an applicant (1) for a permit to install, collocate, or modify small cell facilities; or (2) to approve the installation or modification of a wireless support structure or utility pole associated with a collocated wireless facility.

“Application fee” means a one-time charge set by ordinance or resolution of the board of trustees to offset costs incurred by the town in reviewing applications.

“Code” means the Granby Municipal Code.

“Collocate” means the mounting or installing of a small cell facility on a pre-existing structure, and/or modifying a structure for the purpose of mounting or installing a small cell facility on that structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

“Communications service provider” means a cable operator, as defined in 47 U.S.C. Section 522(5); a provider of information service, as defined in 47 U.S.C. Section 153(24); a telecommunications carrier, as defined in 47 U.S.C. Section 153(51); or a wireless provider.

“Day” means calendar day.

“Emergency” means a condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public; or (2) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

“FCC” means the Federal Communications Commission of the United States.

“Law” means federal, state, or local law, statute, common law, code, rule, regulation, order, or ordinance.

“Micro wireless facility” means a small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height; and that has an exterior antenna, if any, that is no more than 11 inches in length.

“Operator” means a person who operates and controls a small cell facility in the rights-of-way, but does not own such facility.

“Owner” means a person who owns a small cell facility in the rights-of-way.

“Person” means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including the town.

“Radiofrequency compliance report” means the RF exposure compliance report that certifies that the proposed small cell facility, as well as any collocated wireless facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF report must be prepared and certified by an RF engineer acceptable to the town. The RF report must include the actual frequency and power levels (in watts effective radiated power) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.

“Recurring charge” means a recurring charge set by ordinance or resolution of the town board of trustees for wireless provider access to the ROW and attachment of facilities to town poles.

“Replacement pole” means a newly constructed utility pole designed to support a small cell facility, micro cell facility, or to accommodate collocation, which replaces a utility pole in the same location.

“Rights-of-way” or “ROW” means the area on, below, above, or adjacent to a roadway, highway, street, sidewalk, alley, or utility easement which has been lawfully dedicated to or reserved by the town as a public right-of-way.

“Signal non-interference letter” means a letter from the applicant certifying that the proposed small cell facilities that are the subject of the application shall be designed, sited, and operated in accordance with applicable federal regulations addressing radio frequency interference.

“Small cell facility” means a wireless communications facility where each antenna is located inside an enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed

elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and primary equipment enclosures are no larger than 17 cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, back-up power systems, grounding equipment, power transfer switch and cut-off switch. The definition of a small cell facility shall also include a micro cell or micro cell facility.

“Stand-alone pole” means a pole erected for the sole or primary purpose of housing small cell facilities.

“Town” means the town of Granby.

“Town manager” means the town manager of the town of Granby or the town manager’s designee.

“Town pole” means a utility pole owned, managed, or operated by or on behalf of the town.

“Utility pole” means a pole or similar structure that is used in whole or in part for the purpose of carrying electric distribution lines or cables or wires for telecommunications, cable or electric service, or for lighting. Such term shall not include structures supporting only wireless facilities. This term shall include light standards.

“Wireless communications facility” or “WCF” shall mean a facility used to provide personal wireless services as defined at 47 U.S.C. Section 332(c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the code. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand-held radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this chapter.

16.135.030 Application and Review Process

(a) **Permission to Use Rights-of-Way, Permit Required.** No person shall modify or place small cell facilities and associated utility poles in the ROW, without first having obtained land use approvals as required in this chapter and in this title, a pole attachment agreement or license (as applicable), and a building permit for this purpose. It is the Town’s policy that all small cell facilities sited in the ROW shall be pursuant to a model license agreement with the Town, granting a nonexclusive license to use the ROW; provided, however, that if an applicant chooses to move forward with an application prior to completion of a model license agreement the Town shall consider the application in accordance with this code. Attachment of small cell facilities on an existing traffic signal, street light pole, or similar structure shall require written evidence of a license, or other legal right or approval, to use such structure by its

owner. The applicant shall remain the owner of, and solely responsible for, any small cell facility installed in the ROW.

(b) **Application:** Completed applications shall include all of the items listed in Section 16.135.040.

(c) **Fees:** The applicant shall pay a non-refundable fee as outlined in the Town's current fee schedule.

(d) **Reimbursement Agreement:** The applicant shall execute a reimbursement agreement with the Town (Section 16.15.60.30).

(e) **Completeness Review:**

The Director of Community Development or their designee shall determine whether the application is complete based on compliance with the submittal requirements herein. Completeness shall take place within 21 calendar-days at which time the Director of Community Development or their designee will make one of the following determinations:

(1) Application Is Not Complete. If the application is not complete, the Director of Community Development or their designee shall inform the applicant of the deficiencies in writing and the timeline for approval resets. No additional action shall be taken on the application until the deficiencies are remedied. If the applicant does not provide a complete set of application documents within sixty (60) calendar days, the application shall be deemed void, all fees paid to the Town shall be surrendered, and all reimbursement expenses due to the Town shall be paid.

(2) Application Is Complete. If the application is complete, the Director of Community Development or their designee shall certify it as complete and provide written notice to the applicant including the date of determination of completeness.

(f) **Review by the Director of Community Development or its Designee:** The Director of Community Development or their designee shall review and take final action, including the issuance of a permit, for applications for locating or collocating small cell facilities on existing structures within 60 days of application (if the application is deemed complete and all standards in this chapter are met). The Director of Community Development or their designee shall review and take final action, including the issuance of a permit, for applications for construction of new support structures within 90 days of application (if the application is deemed complete and all standards in this chapter are met).

The Director of Community Development or their designee shall review all applications for location of small cell facilities and/or associated support structures in the public rights-of-way for conformance with the provisions of this chapter. The Director of Community Development or their designee may approve, approve with conditions, or deny an application in accordance with this chapter.

All conditions of approval shall be reasonably related to impacts created by the proposal, or which the Town deems necessary and proper to ensure that the improvements will be constructed in the manner

indicated in the application and in accordance with the standards and criteria established within this chapter and other applicable town regulations and adopted codes. All conditions of approval shall be listed in the Town-issued permit.

16.135.040 Application Requirements

(a) Application. All applications for permits filed pursuant to this chapter shall be made using the form provided by the Director of Community Development or their designee.

(b) Application Requirements. An application shall be made by the owner or operator of the proposed small cell facilities or its duly authorized representative. All required application items must be submitted in order for the application to be complete. An application shall contain the following:

(1) The owner or operator's name, address, telephone number, and e-mail address.

(2) The applicant's name, address, telephone number, and email address, if different than the owner or operator, and its interest in the work.

(3) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application.

(4) A general description of the proposed work and the purposes and intent of the small cell facility. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed.

(5) A site plan pursuant to GMC 16.125.180, with sufficient detail to show the proposed location of facilities the applicant seeks to install in the ROW, including any manholes or poles, and the size, type, and depth of any conduits or enclosures.

(6) Other supporting documentation, including location and dimension of all improvements, including topography, radiofrequency coverage, facility and structure height, setbacks, drives, parking, fencing, landscaping, adjacent uses, adjacent public utilities, drainage, and other information deemed necessary by the Community Development Department-Town or its authorized agent or designee to assess compliance with this chapter.

(7) Signal noninterference letter.

(8) Radio frequency compliance report.

(9) An attestation that the small cell facilities will be operational for use by a wireless services provider within one year after the permit issuance date, unless the Town and the applicant agree to extend this period or delay is caused by lack of commercial power at the site.

(10) An attestation that, to the best of the applicant's knowledge, the information contained in the application is true.

(11) Applicable application fee.

(12) A signed reimbursement agreement.

(13) An affidavit on a form approved by the Town shall be required from the owner and from the applicant acknowledging that each is responsible for compliance with GMC 16.135.070(c) regarding abandonment and removal of small cell facilities.

(14) A letter certifying that the site proposed for the small cell facility is either categorically exempt from National Environmental Policy Act (NEPA) requirements or if not exempt, documentation demonstrating NEPA compliance.

(c) Micro Wireless Facilities. An application shall be required for the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between existing utility poles; provided, however, that such applications shall be reviewed and approved by the Director of Community Development or their designee within 10 days of application receipt, so long as the proposed micro wireless facility complies with the most current version of the National Electrical Safety Code adopted by the state of Colorado.

(d) When Application Not Required. An application shall not be required for: (1) routine maintenance; or (2) the replacement of a small cell facility with another small cell facility that is substantially similar or smaller in size, weight, and height, in compliance with the National Electrical Safety Code; provided, that nothing in this subsection (f) shall relieve a wireless provider from obtaining a permit pursuant to Chapter 12.05 GMC prior to performing any work in the ROW.

(e) Batched Applications.

(1) A single permit application may be used for up to 10 small cell facilities. If the sites within the batched permit application have differing review timelines, the longer timeline will apply to review of the consolidated grouping of sites.

(2) If the Town denies the application for one or more small cell facilities in a batched application, the Town may not use the denial as a basis to delay the application process of any other small cell facility in the same batched application.

(3) A single permit may be issued for siting and collocating up to 10 small cell facilities.

16.135.050 Review criteria – Burden of proof – Denial.

- (a) The Town may deny an application if the structures or facilities proposed in the application:
- (1) Would materially interfere with the safe operation of traffic control equipment.
 - (2) Would materially interfere with town snow removal operations.
 - (3) Would materially interfere with sight lines or clear zones for transportation or pedestrians.
 - (4) Would materially interfere with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.
 - (5) Fails to comply with applicable codes.
 - (6) Fails to comply with any of the requirements of this section.
- (b) The burden of proof to show the application’s compliance with this section shall be on the applicant.
- (c) Any decision to approve, approve with conditions, or deny an application shall be in writing and supported by substantial evidence in a written record. The applicant shall receive a copy of the decision.

16.135.060 Post approval provisions.

- (a) After receiving approval of the application, the applicant shall submit two complete sets of plans with required signatures, along with applicable recording fees, to the Director of Community Development or their designee. The Director of Community Development or their designee will then issue a permit for installation, modification, or collocation requested in the application.
- (b) The permit shall require the owner and/or operator to:
- (1) Indemnify the Town from and against any liability arising as a result of the applicant’s, owner’s or operator’s use of the public rights-of-way;
 - (2) Furnish a bond, in form approved by the Town attorney, to guarantee payment for any damages to town property and removal of facilities upon their abandonment; and
 - (3) Pay the recurring charge; and
 - (4) Comply with all conditions of approval that have been added to the permit in accordance with this chapter.
- (c) Prior to performing any construction activity in the public rights-of-way, the applicant shall obtain all permits required by local, state, and federal law, including but not limited to excavating permits. Town

issuance of excavation permits is subject to the restrictions set forth in Chapter 12.05 GMC, including but not limited to the seasonal restriction and exception process set forth in GMC 12.05.020.

(d) The applicant shall obtain all required permits and complete construction of the approved improvements within one year from the date the application was approved, or the permit shall be deemed expired, unless the Town and the applicant agree to extend this period or a delay is caused by the lack of commercial power or communications facilities at the site.

(e) Any violation of the requirements of this chapter, or the terms of the permit issued in accordance with this section, shall constitute a violation of this code, punishable pursuant to the Town's general penalty provisions set forth in GMC 1.05.090.

(f) A permit from the Town authorizes an applicant to undertake only certain activities subject to and in accordance with this chapter, and does not create a property right or grant authority to the applicant to impinge upon the rights of others who may already have an interest in the ROW.

16.135.070 General standards.

(a) Federal Requirements. All small cell facilities shall meet the current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC) and any other agency of the federal government with the authority to regulate small cell facilities. If such standards and regulations are changed, then the owners of the small cell facility shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency. Unless preempted by federal law or mutually agreed to by the parties, failure to meet such revised standards and regulations shall constitute grounds for the removal of the facility at the owner's expense.

(b) Operation and Maintenance. To ensure the structural integrity of small cell facilities, the owner of a small cell facility shall ensure it is maintained in compliance with the standards contained in the building and electrical codes, as applicable and adopted by the town from time to time. The owner of a small cell facility shall ensure ongoing compliance, operation and maintenance consistent with the town's approval, including but not limited to the upkeep of site landscaping, paint and surface treatments, litter removal, fence or screening repair, and general maintenance to assure a clean, well-kept facility. If upon inspection, the town concludes that a small cell facility fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner, the owner shall have 30 days from the date of notice to bring the small cell facility into compliance. Upon good cause shown by the owner and meeting reasonable safety considerations, the town may extend such compliance period, not to exceed 90 days from the date of said notice. If the owner fails to bring such small cell facility into compliance within said time period, the town may remove such small cell facility at the owner's expense.

(c) Abandonment and Removal. If a small cell facility has not been in use for a period of three months, the owner of the small cell facility shall notify the town of the non-use and shall indicate whether re-use is expected within the ensuing three months. Any small cell facility that is not operated for a continuous period of six months shall be considered abandoned. The town, in its sole discretion, may require an abandoned small cell facility to be removed. The owner of such small cell facility shall remove the same within 30 days of receipt of written notice from the town. If such small cell facility is not removed within 30 days, the town may remove it at the owner's expense and any approved permits for the small cell facility shall be deemed to have expired.

(d) Town Rights-of-Way Work. Within 90 days following written notice from the Town, an owner or operator shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change, or alter the position of any small cell facility for which it has a permit hereunder whenever the Town has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any town improvement in or upon, or the operations of the town in or upon, the ROW.

(e) Emergency Removal or Relocation of Facilities. The Town retains the right to remove all or part of any permitted small cell facility located within the ROW, as the Town may determine to be necessary, appropriate, or useful in response to any public health or safety emergency, such as, by way of example and not limitation, if a pole is damaged by a moving vehicle and falls or is at risk of falling into that part of the ROW used for vehicular or pedestrian traffic. If circumstances permit, the Town shall notify the owner and provide it an opportunity to move its small cell facilities prior to cutting or removing them, and in all circumstances shall promptly notify the owner after cutting or removing a permitted facility or structure.

(f) Collocation. No owner or operator of a small cell facility shall unreasonably exclude a wireless competitor from using the same facility or location. Upon request by the Director of Community Development or their designee, the owner or operator shall provide evidence explaining why collocation is not possible at a particular facility or site.

(g) Hazardous Materials. No hazardous materials shall be permitted in association with small cell facilities, except those necessary for the operations of the small cell facilities and only in accordance with all applicable laws governing such materials.

(h) Lighting. Small cell facilities shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the small cell facility is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the Town may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.

(i) Small Cell Facilities in the Rights-of-Way. All requests to locate small cell facilities in the rights-of-way shall be reviewed for compliance with the applicable section or sections of this chapter and the federal and state rules in effect at the time the application is received.

16.135.080 Design standards and technical requirements for small cell facilities in the rights-of-way.

The following design and landscaping standards apply to small cell facilities governed by this chapter; provided, however, that the Director of Community Development or their designee may waive any of these requirements if the Director of Community Development or their designee determines that the goals of this section are better served thereby. To that end, small cell facilities shall be designed and located to minimize the impact on the surrounding area and to maintain the character and appearance of the town, consistent with other provisions of this code.

(a) Camouflage, Concealment, or Camouflage Design Techniques. All small cell facilities and any transmission equipment shall, to the extent technically feasible, use camouflage design techniques and not be readily apparent. Techniques may include, but not be limited to, the use of materials, colors, textures, screening, undergrounding, or other design options that will blend the small cell facility to the surrounding natural setting and/or built environment. Design, materials and colors of the small cell facilities shall be compatible with the surrounding environment. Designs shall be compatible with structures and vegetation on sites located in the rights-of-way and on adjacent parcels.

(1) Camouflage design may be of heightened importance where findings of particular sensitivity are made (e.g., proximity to historic or aesthetically significant structures and/or natural or community features, or in a growth management area). Should the Director of Community Development or their designee determine that small cell facilities are located in areas of high visibility, they shall (where possible) be designed (including but not limited to camouflaged, placed underground, depressed, or located behind earth berms) to minimize their profile at the request of the Director of Community Development or their designee.

(2) All small cell facilities shall be constructed out of or finished with nonreflective materials (visible exterior surfaces only).

(b) New small cell facilities in the ROW may not extend more than eight feet above any structure in place in the ROW as of the effective date of the ordinance codified in this chapter.

(c) No new small cell facility in the ROW or the structure to which it is attached shall exceed 35 feet in height.

(d) All new poles supporting small cell facilities shall substantially match the color of the other metal poles (e.g., light poles) in the vicinity of the new pole.

(e) All small cell facilities shall blend in color with the wireless support structure on which they are installed.

(f) All ground based equipment shall be installed on or within the utility pole supporting the small cell facility, or collocated within an equipment cabinet, unless the applicant demonstrates that such installation or collocation is not feasible. All ground based accessory equipment shall be set back from trails and sidewalks a minimum of three feet and shall be clearly marked with a wand so that the equipment is visible during the winter months.

(g) Wires and cables connecting the antenna and appurtenances serving the small cell facility shall:

(1) Be installed in accordance with the version of the National Electrical Code and National Electrical Safety Code adopted by the town and in force at the time of installation;

(2) Be located within a wireless support structure or utility pole or, if not technically feasible, located within a fully enclosed sheathing attached to the wireless support structure or utility pole. Such sheathing shall be the same color as the wireless support structure, or similar color to the utility pole, shall be limited in size to that necessary to cover the wiring or cabling, and may not extend out from the wireless support structure by more than four inches in circumference, or the minimum necessary to comply with applicable safety codes; and

(3) Not interfere with any wiring or cabling installed by a cable television or video service operator, electric utility, or telephone utility.

(h) Grounding. The small cell facility, including any ground-mounted equipment, shall be grounded in accordance with the requirements of the most current edition of the National Electrical Code adopted by the town regarding grounding of wireless communications facilities.

(i) Signage. Other than warning or notification signs required by applicable law or regulations, or identification and location markings, a small cell facility shall not have signs installed thereon.

(j) New utility poles installed to support small cell facilities shall be made of the same or similar material as existing poles in the immediate area.

(k) All small cell facilities, support structures, and any appurtenances shall blend in with the surrounding environment or be otherwise concealed to the extent practicable.

16.135.090 Siting requirements.

(a) All new utility poles supporting small cell facilities and all stand-alone small cell facilities shall be set back from trails and sidewalks a minimum of three feet and shall be clearly marked with a wand so that the equipment is visible during the winter months.

(b) When placed near a residential property, small cell facilities, utility poles and stand-alone poles shall be placed adjacent to a common property line between adjoining residential properties, when technically feasible, such that the facility minimizes visual impacts equitably among adjacent properties, unless landscaping, topography, other structures, or other considerations minimize visual impacts to a greater extent at a different location.

(c) All stand-alone small cell facilities shall be separated from all other stand-alone small cell facilities within rights-of-way by a distance of at least 600 feet, except where the applicant demonstrates to the town that such separation would effectively prohibit the owner's or operator's ability to provide wireless service, in which case the stand-alone small cell facility shall be placed no closer to another stand-alone small cell facility than is necessary to eliminate the effective prohibition; provided, however, that, under no circumstances shall a stand-alone small cell facility be separated from another stand-alone small cell facility by fewer than 200 feet.

(d) No small cell facility, associated utility pole, or any associated equipment may be located or maintained in a manner that would:

- (1) Alter vehicular circulation or parking within the rights-of-way;
- (2) Unreasonably impede vehicular, bicycle, or pedestrian access or visibility along the rights-of-way;
- (3) Interfere with town snow removal operations; or
- (4) Present a hazard to public health, safety, or welfare.

(e) No small cell facility may be located or maintained in a manner that would cause violation of, or inhibit the town's compliance with, the Americans with Disabilities Act.

(f) Small cell facilities shall be located such that they do not interfere with any public health or safety facility, including, but not limited to, a fire hydrant, fire station, fire escape, water valve, underground vault, valve housing structure, or any other public health or safety facility. New utility poles and small cell facilities shall not be installed within 10 feet of any storm drainage ditch, water line, sewer line, storm drain line, or service line unless waived by the Director of Community Development or their designee pursuant to GMC 16.135.100 provided, that under no circumstances shall new utility poles and small cell facilities be installed directly over any of the above-listed items.

(g) Any tree-disturbing activity necessary for the installation or collocation of small cell facilities and utility poles installed to support small cell facilities shall be minimized to the greatest extent practicable.

(h) No small cell facility shall be located within the rights-of-way so as to interfere with the vested rights of a property owner, operator, or user.

(i) No small cell facility shall be located in a manner that would interfere with a proposed development for which a property owner or developer has submitted a completed application to the town in accordance with the requirements of this title prior to the applicant's submission of an application for such small cell facility pursuant to this chapter, unless and until such application has been denied or approved in a form, or with conditions, that would eliminate the interference.

(j) Collocations are preferred, and the number of poles within the rights-of-way shall be limited as much as possible.

(k) The model license agreement provides preferred locations for siting facilities on streets, support structures, and general placement.

(l) New facilities placed on new wooden poles are prohibited, unless authorized through the model license agreement.

16.135.100 Waivers.

An applicant may seek a waiver of the requirements in this chapter, which may be granted by the Director of Community Development or their designee upon good cause shown, as determined by the Director of Community Development or their designee. Such waivers shall be granted in a nondiscriminatory manner among wireless providers. "Good cause" shall include but not be limited to:

(a) When a requirement of this chapter is clearly preempted by state or federal law, as determined by the town attorney;

(b) When the wireless provider demonstrates to the satisfaction of the Director of Community Development or their designee that strict adherence to a requirement of this chapter will effectively prohibit the wireless provider's ability to provide wireless service; or

(c) When the proposal set forth in the application would further the purpose and intent of this chapter the same or better than if the application were to strictly adhere to a requirement of this chapter.

16.135.110 Undergrounding.

Subject to applicable franchise and license agreements, the town may require the undergrounding of aerial cable and utility facilities and removal of town poles. Prior to removing any town poles to which small cell or micro cell facilities are attached, the town shall notify the owner or operator of such facility in writing, and the owner or operator shall remove the facility within 90 days of the date of such notice. Such facilities may be relocated subject to and in accordance with the requirements of this chapter.

16.135.120 Liability.

(a) The Town shall not be liable for damage to small cell facilities or the structures to which they are attached located in the public rights-of-way caused by the Town's snow removal or other municipal operations, except when such damage is caused by the Town's grossly negligent or willful and wanton conduct.

(b) The owner or operator of small cell facilities in the ROW shall repair, at its sole cost and expense, any damages, including, but not limited to, subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to town streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems, or sewer or water systems and water and sewer lines that result from any activities performed in connection with the installation and/or maintenance of a small cell facility in the ROW. The owner or operator shall restore such areas, structures, and systems to substantially the same or a better condition in which they existed prior to the installation or maintenance that necessitated the repairs.

(c) An owner or operator of small cell facilities in the ROW shall bear the sole risk of, and the town shall have no liability for, interference with the owner or operator's network, by any buildings or structures now existing or constructed in the future. The owner or operator of small cell facilities acknowledges that the town may approve development applications for any property within the Town's zoning jurisdiction subject to and in accordance with this title.

Annexation (Section 16.140):

Sections:

16.140.010: Eligibility to Submit Application.

16.140.020: Submittal Requirements.

16.140.030: Procedure.

16.140.010: Purpose and Authority

This chapter is adopted pursuant to the Colorado Municipal Annexation Act of 1965, C.R.S. § 31-12-101 (“the Act”) et. seq. The purpose of this chapter is to establish procedures and requirements for the annexation of land to the town and to ensure that annexations occur in a manner consistent with the Granby Comprehensive Plan, the town’s service capabilities, and the town’s long-term goals. If any provision of this chapter conflicts with the Municipal Annexation Act, as amended, the Act shall govern.

16.140.020: Submittal Requirements. An annexation application that includes the following must be submitted to the Town using the Town’s online portal:

- a) An annexation petition in accordance with Article II, Section 30(1)(b) of the Colorado Constitution;
- b) A draft annexation agreement with the Town of Granby
- c) Four (4) copies of an annexation map showing the property to be annexed; ~~and~~
- d) Anticipated or requested zoning classification to be assigned to the parcel in question; and
- e) Submittal of fees. The applicant shall comply with the requirements of GMC 3.30.020.

16.140.030: Procedure.

- a) Pre-Application Conference. Prior to filing an application, applicants shall schedule a pre-application conference, as set out in Section 16.15.060 (e) (Pre-Application Conference).
- b) Completeness Review. The Director of Community Development or their designee shall determine whether the application is complete based on compliance with the submittal requirements herein. Completeness shall take place within 10 calendar-days at which time the Director of Community Development or their designee will make one of the following determinations:

(1) Application Is Not Complete. If the application is not complete, the Director of Community Development or their designee shall inform the applicant of the deficiencies in writing and the timeline for approval resets. No additional action shall be taken on the application until the deficiencies are remedied. If the applicant does not provide a complete set of application documents within sixty (60) calendar days, the application shall be deemed void, all fees paid to the Town shall be surrendered, and all reimbursement expenses due to the Town shall be paid.

(2) Application Is Complete. If the application is complete, the Director of Community Development or their designee shall certify it as complete and provide written notice to the applicant including the date of determination of completeness.

- c) Review of Completed Application. The Director of Community Development or their designee shall review the completed application within 14 calendar days and provide a written recommendation to the Board of Trustees for either approval or denial of the application. The Director of Community Development or their designee shall consider the following as criteria for its written recommendation: 1) The ability of the Town to provide municipal services (Police, water, sewer, etc.), as needed for the property in question; 2) Whether the annexation is contiguous to the Town's current boundaries or not; 3) The degree to which the proposed annexation would provide fiscal or economic benefits to the Town; and 4) The degree to which the proposed annexation, and the reasons for the requested annexation, align with the Granby Comprehensive Plan and Town goals.
- d) Completion of Annexation Agreement. The applicant shall finalize an Annexation Agreement spelling out the obligations of the applicant as a condition of approval of the annexation within 20 calendar days of the scheduled Board of Trustees hearing on the annexation.
- e) Annexation Conditions. Any area annexed and zoned shall, at a minimum, be subject to the following annexation conditions:
- i. *No Unreasonable Burden.* No annexation of land to the Town shall create an unreasonable burden on the Town. The Town may condition the annexation of land upon such terms and conditions as it deems appropriate. Such terms and conditions may include, without limitation, installation of public facilities or improvements, dedication of land for public improvements and/or open space, payment of fees incidental to annexation, and covenants governing future land uses or restrictions on development of land with slopes of thirty percent (30%) or more.
 - ii. *Failure to Carry Out Commitment of Annexation.* An applicant for annexation and initial zoning must agree that the Town shall formally consider at a public hearing a change of the area back to the least dense residential zone

designation if the Applicant fails to commence substantial site improvements of the approved development for the site within three (3) years from the date of annexation.

Sketch Plan (Section 17.20.020):

Sections:

- 17.20.020.10 Definition and Requirements for a Sketch Plan
- 17.20.020.20 Additional Supplemental Information Required for Sketch Plans
- 17.20.020.30 Submittal and Review of Sketch Plans

An applicant must complete a Pre-Application meeting per section 16.15.060.50 prior to submitting a sketch plan. An applicant shall submit a sketch plan prior to submission of a preliminary plat, unless the Director of Community Development or their designee waives the sketch plan submission requirement in writing following the completion of the Pre-Application meeting.

17.20.020.10: Definition and Requirements for a Sketch Plan

(a) As used in this chapter, a “sketch plan” shall refer to a map to scale of the proposed subdivision depicting the following:

- (1) Proposed name of the subdivision;
- (2) Location, boundaries and legal description of the project;
- (3) Names, addresses and phone numbers of the owner(s), applicant(s), planner(s) and engineer(s);
- (4) Date of sketch map preparation, map scale and a symbol designating true north;
- (5) Topography of the proposed subdivision showing, at a minimum, five-foot contours for terrain with an overall average slope of less than 20 percent and at a minimum 10-foot contours for terrain with an overall average slope of over 20 percent, contours developed by interpolation of U.S.G.S. quadrangle contours are acceptable;
- (6) General location and dimensions of all existing and proposed lots, streets, alleys, easements, road rights-of-way, existing utilities, irrigation ditches and water courses within and immediately adjacent to the proposed development; The applicant shall identify if any known PDOD or owners’ association is associated with the property.
- (7) Description of any natural or manmade features bordering on or within the development which may require buffering or screening, particularly the 100-year floodplain;
- (8) Vicinity map from a U.S.G.S. quadrangle at a scale of one inch equals 2,000 feet depicting the location of streets, highways and adjacent utility systems within a minimum of one-half mile of the proposed subdivision and showing the natural drainage courses for streams flowing through the proposed subdivision with the limits of tributary areas shown where reasonable; and

(9) Land use breakdown including:

- (i) Existing zoning and proposed zoning changes, if applicable;
 - (ii) Total development area;
 - (iii) Total number of lots proposed;
 - (iv) Total number of dwelling units proposed;
 - (v) Total area of proposed nonresidential floor space;
 - (vi) Total number of individual dwelling units proposed for each structure;
 - (vii) Total number of proposed off-street parking spaces; and
 - (viii) Total proposed density.
- (ix) The zoning of all properties located within a 300-foot radius of the property.

17.20.020.20 Additional Supplemental Information Required for Sketch Plans

In addition to the sketch plan map, the following supplemental information shall be submitted, in graphic and/or written form:

- (1) A sketch plan application form, along with fees and a signed reimbursement agreement;
- (2) Source and amount of water supply;
- (3) Proposed type of sewage disposal;
- (4) U.S.D.A. Natural Resources Conservation Service soil designations, with interpretation tables attached;
- (5) Statement assessing the impact of the proposed subdivision on the lakes, streams and topography of the site, inclusive of the identification of the location of the proposed subdivision within any water protection zones; as discussed in GMC Section 13.10.
- (6) Evidence that all lots and parcels created by the subdivision will have access to a public right-of-way, in conformance with the Colorado State Highway Access Code and applicable county regulations;
- (7) Anticipated source of electricity, natural gas, telephone, Internet and cable TV services;
- (8) Compatibility/conformance with the Town's plans for infrastructure and the capacities of the Town's infrastructure systems;

(9) Phase I drainage report in general accordance with the Grand County Storm Drainage and Technical Criteria Manual modified for town projects; and

(10) A letter from the applicant who wishes to request a subdivision plat review shall be submitted to town staff for their recommendation on the proposed subdivision's conformity with the Granby Comprehensive Plan and zoning ordinance of the town.

17.20.020.30 Submittal and Review of Sketch Plans

(a) Submittal of sketch plan application and required files: The applicant shall submit the sketch plan application and all items outlined in this section to the Town using the Town's online portal.

(b) Completeness review

The Director of Community Development or their designee shall determine whether the application is complete based on compliance with the submittal requirements herein. Completeness shall take place within 14 calendar days at which time the Director of Community Development or their designee will make one of the following determinations:

(1) Application Is Not Complete. If the application is not complete, the Director of Community Development or their designee shall inform the applicant of the deficiencies in writing and the timeline for approval resets. No additional action shall be taken on the application until the deficiencies are remedied. If the applicant does not provide a complete set of application documents within sixty (60) calendar days, the application shall be deemed void, all fees paid to the Town shall be surrendered, and all reimbursement expenses due to the Town shall be paid.

(2) Application Is Complete. If the application is complete, the Director of Community Development or their designee shall certify it as complete and provide written notice to the applicant including the date of determination of completeness.

(c) The applicant shall work with the Director of Community Development or their designee to schedule a sketch plan meeting with the Town. The sketch plan meeting shall be held no fewer than 15 calendar days and no more than 21 calendar days after the Director of Community Development or their designee has determined the sketch plan application to be complete.

The Director of Community Development or their designee shall review the sketch plan application before the Sketch Plan Meeting and shall provide to the applicant, no more than seven (7) calendar days after the meeting, high level comments regarding the following with regard to the submitted sketch plan, as part of a Sketch Plan Summary document:

- Compliance with the Town zoning code and the Granby Comprehensive Plan

- General compliance with the requirements of the relevant zone district and applicable design guidelines
- General compliance with the engineering aspects of the proposed project
- General compliance with the Town's Public Works Manual
- Any significant issues pertaining to Town-owned infrastructure that will require additional design by the applicant's team
- Any other comments deemed appropriate by the Director of Community Development or their designee
- The Town's recommended application process and the recommended pathway to project approvals

As part of the Sketch Plan Summary, the Director of Community Development or their designee may require the sketch plan be presented at the next regularly scheduled meeting of the Planning Commission. The Town Manager or their designee may instruct the applicant to proceed with submittal of a preliminary plat to the Planning Commission developed in a manner generally following the scheme outlined in the sketch plan or may suggest to the applicant changes to the sketch plan prior to submittal of a preliminary plat to the Planning Commission.

The submission of a sketch plan shall be for the sole benefit of the applicant and shall not be considered the submittal of a plat to the Planning Commission.

(d) Approval of the sketch plan shall not constitute a commitment on the part of the Town to accept the preliminary plat.

Preliminary Plat (Section 17.20.30):

Sections:

- 17.20.30.010 Submittal process for preliminary plats.
- 17.20.30.020 Review process for preliminary plats.
- 17.20.30.030 Approval process for preliminary plats and subsequent actions.

17.20.30.010 Submittal process for preliminary plats.

- (a) The applicant shall submit to the Town through the Town's online portal a preliminary plat, together with the supplemental material hereinafter specified. An applicant must complete a Pre-Application meeting (See Section 16.15.060) prior to submitting a Preliminary Plat. A preliminary plat may not be submitted to the Town until 90 days after submittal of a sketch plan, unless submittal of a sketch plan has been waived by the town manager in writing. The preliminary plat shall be submitted, together with written application for conditional approval to the Town, at least 60 calendar days prior to the Planning Commission meeting at which it may be considered.
- (b) At the time of filing the preliminary plat, the applicant shall pay all required fees and sign a reimbursement agreement to cover the costs of outside consultants contracted by the Town to conduct project reviews and facilitation. Failure to pay the required fees at the time of filing shall result in the Town finding the application to be incomplete.
- (c) The preliminary plat shall contain or be accompanied by the following information:
 - (1) Proposed name of the subdivision.
 - (2) Location of the subdivision as a part of some larger subdivision or tract of land and by reference to permanent survey monuments with a tie to a section corner or a quarter-section corner. Also, it shall include a vicinity map of the surrounding one mile area.
 - (3) Names and addresses of the applicant, the engineer or designer of the subdivision, and the land surveyor (who shall be licensed by the state).
 - (4) Total acreage of the subdivision and tabulation of acreage and square footage in parks, open areas, commercial land, residential lots, single and multifamily lots and all other uses of the land with their respective percentages of the total area.
 - (5) Scale and north sign (designated as true north); and table to include date of preparation and dates of revisions.

(6) Topography at five foot intervals where the average slope is less than 15 percent and at intervals of 20 feet where the average slope exceeds 15 percent, provided the same interval is used throughout the subdivision (interval used is to be clearly indicated on the plat).

(7) Designation of areas subject to periodic flooding and the volume of water during such floods.

(8) Identification of whether the subdivision lies within one of the water protection zones per GMC Chapter 13.10.

(9) Identification of whether the property is associated with or subject to an owners association (HOA) and an approval letter from the HOA relevant to all items for which the HOA has jurisdiction.

(10) Evidence to establish that, if a public sewage disposal system is proposed, provision has been made for such system, and if other method or methods of sewage disposal are proposed, evidence that such systems will comply with state and local laws and regulations which are in effect at the time of submission of the preliminary plat or final plat; where septic tanks and drain fields are used, percolation tests will be taken on every lot; these tests will be submitted to the state prior to submitting for preliminary approval. On-lot sewage disposal systems shall only be permitted upon compliance with GMC 17.25.010(f)(4)(i).

(11) The name of abutting subdivisions and a list of all property owners located within a 300 foot radius of the property at the time of submission.

(12) Location and principal dimensions for all existing streets (including their names), alleys, easements, water courses and other important features within and adjacent to the tract to be subdivided.

(13) Location and principal dimensions for all proposed streets (including their names), alleys, easements, lot lines, and areas to be reserved or dedicated for parks, schools or other public uses.

(14) The location and size of existing and proposed utilities within or adjacent to the tract, and letters of intent to serve and conditions from utilities.

(15) Proposed sites, if any, for multiple-family residential use and number of dwelling units, business areas, industrial areas, churches, schools, parks and other public uses.

(16) Site data, including the number of residential lots and typical lot sizes.

(17) Completion of the application checklist provided to the applicant by the Town.

(18) Such additional preliminary information as may be required by the Planning Commission in order to adequately describe proposed utility systems, surface improvements or other construction projects contemplated within the area to be subdivided.

(19) Application form for zoning the area to be subdivided or an application form for rezoning when so required.

(20) A copy of any proposed restrictive covenants for the subdivision.

(21) Total number of square feet of proposed non-residential floor space.

(22) Total number of proposed off-street parking spaces, excluding those associated with single-family residential development.

(23) Estimated total number of gallons per day of water system requirements and methods of computations, including fire needs.

(24) Estimated total number of gallons per day of sewage to be treated where a central sewage treatment facility is to be utilized or sewage disposal means and suitability where no central sewage treatment facility is proposed and method of computation.

(25) Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution systems, sewage collection systems, storm drainage facilities and such other utilities as may be required of the development by the town.

(26) The applicant shall be required by the Planning Commission to convey to the Town any water rights historically associated with the property being subdivided, in order to augment the Town's physical and legal supply of water.

(27) The applicant shall provide a memo outlining how the application complies with all of the requirements in the Town of Granby's Public Works Manual.

(28) Evidence that the applicant shall have taken appropriate action, such as setting up an escrow account, to ensure that all property taxes in the year of approval of the final plat will be paid.

(29) All soil and geological hazard areas.

(30) The names and addresses of all surface owners, mineral owners and lessees of mineral owners.

(31) The applicant shall obtain letters of evidence from their engineer, attorney, and their self, testifying that their subdivision meets all requirements of this chapter.

17.20.30.020 Review process for preliminary plats.

(a) Completeness Review.

(1) The Director of Community Development or their designee shall determine whether the application is complete based on compliance with the submittal requirements herein. Completeness shall take place within 10 calendar days at which time the Director of Community Development or their designee will make one of the following determinations:

(i) Application Is Not Complete. If the application is not complete, the Director of Community Development or their designee shall inform the applicant of the deficiencies in writing and the timeline for approval resets. No additional action shall be taken on the application until the deficiencies are remedied. If the applicant does not provide a complete set of application documents within sixty (60) calendar days, the application shall be deemed void, all fees paid to the Town shall be surrendered, and all reimbursement expenses due to the Town shall be paid.

(ii) Application Is Complete. If the application is complete, the Director of Community Development or their designee shall certify it as complete and provide written notice to the applicant including the date of determination of completeness.

(2) In the event an applicant submits a new or revised preliminary plat after the original application, such submittal shall be considered a new application and the process shall begin anew with the determination of application completeness review. The submittal of a new preliminary plat after the original application shall initiate a re-starting of the calendar of deadlines (for the applicant and for the Town) for the approval process for the Preliminary Plat in compliance with GMC 17.20.30.

Upon a determination of completeness of the preliminary plat, the Director of Community Development or their designee shall transmit copies by electronic mail to: the Grand Fire Protection District No. 1, the Granby Sanitation District, XCEL Energy, Mountain Parks Electric, Inc., Grand County Planning, Grand County EMS, East Grand School District, the Colorado Department of Transportation and any other agency or individual that the planning commission, in its sole discretion, may designate. Such agencies shall be required to make written recommendations within 14 calendar days from receipt. Failure to make recommendations within the prescribed period may be deemed an approval of the preliminary plat.

(b) The Director of Community Development or their designee shall review the substance of the application and shall issue a unified written response of issues of concern for the applicant.

(1) The Director of Community Development or their designee shall issue a written, unified response to the applicant regarding the substance of the application within 14 calendar days.

(2) The applicant shall then submit responses to the written, unified response from the Director of Community Development or their designee within 30 calendar days of the receipt of the written, unified response.

(3) If the applicant fails to submit responses to the written, unified response from the Town within 30 calendar days, the applicant shall be deemed as withdrawn, and the applicant must begin the Preliminary Plat approval process anew. The Town Manager or its designee may grant a one-time extension request of this deadline, of no greater than 30 calendar days.

(4) Following receipt of the responses from the applicant to the written, unified response from the applicant, the Director of Community Development or their designee shall issue a confirmation that an application satisfies design requirements (once achieved) within 14 calendar days.

(5) The Town Clerk shall not establish the date of hearing with the Planning Commission for the application until the end of the 14 calendar day response time identified in GMC 17.20.30, b, (4). Furthermore, the date of the Planning Commission hearing for the application shall occur at least 30 calendar days after the of confirmation by the Director of Community Development or their designee that the application satisfies design requirements, as outlined in GMC 17.20.30, b (4).

(6) The Town Clerk shall establish the date of hearing with the Planning Commission for the application to occur no less than 30 calendar days after the date the Director of Community Development or their designee issues a confirmation that the submittal serves as a satisfactory design response.

(7) The Director of Community Development or their designee shall issue a unified staff report to the Planning Commission and the staff report shall recommend either an “approval” or “denial” of the application.

(c) The planning commission shall review the preliminary plat for compliance with these regulations and negotiate with the applicant on the type and extent of improvements to be installed and on modifications deemed advisable.

(d) The planning commission shall hold a hearing at its next regularly scheduled meeting, provided it is at least 30 days after the date the Director of Community Development or their designee issues a confirmation that the submittal serves as a satisfactory design response and inform the applicant of its approval or disapproval, stating the conditions of approval, if any, or if disapproval, stating the reasons therefor. Any preliminary plat as submitted shall contain the name and address of the person to whom notice of hearing shall be sent. The town clerk shall send notice of the time and place of such hearing to said address by certified/return receipt mail not less than seven days before the date fixed therefor. The

applicant shall provide to the town clerk or their designee proof of mailing by the applicant of the notice to the appropriate surface owners, mineral owners and lessees of mineral rights, and owners of land within 300 feet of the parcel property line as their names appear upon the plats and records in the Grand County clerk and recorder's office, within two business days of the date of mailing of the notice.

(e) Conditional approval of the preliminary plat shall be deemed a tentative expression of approval of the general layout as submitted or modified, pending approval of the final plat.

17.20.30.030 Approval process for preliminary plats and subsequent actions.

(a) If the Planning Commission approves the Preliminary Plat application at the Planning Commission hearing, the applicant may submit for Final Plat Approval per GMC 17.20.040. The Planning Commission may condition its approval of a Preliminary Plat on revisions to the plat or other appropriate conditions. To the extent the Planning Commission's approval of a Preliminary Plat is contingent upon any conditions or revisions required before submittal of a Final Plat application, an applicant may not submit an application for final plat without first meeting such condition or condition.

(b) The applicant may proceed with the Site Plan Approval process at the same time as the approval process for a Preliminary Plat, if approved by the Town Manager or designee. The applicant shall reference GMC Section 16.125.180 for the detailed Site Plan Approval process and requirements. Approval of a Site Plan is contingent upon approval of the Final Plat. No building, grading, or infrastructure permits will be issued for a project without Site Plan Approval.

(c) Denials of Preliminary Plat applications by the Planning Commission shall be considered final.

Final Plat (Section 17.20.40):

Sections

- 17.20.40.010: Purpose of Final Plats
- 17.20.40.020: Submittal requirements
- 17.20.40.030: Review process.
- 17.20.40.040: Approval of Final Plats
- 17.20.40.050: School Lands
- 17.20.40.060: Water Quality Fee

17.20.40.010: Purpose of Final Plats

- a) A final plat shall be required for all subdivisions. The purpose of the final plat is to complete the subdivision of land in conformance with the requirements and standards of the Town and all recommendations made at earlier stages of subdivision review. No subdivision shall be approved until such data, surveys, analyses, studies, plans and designs as may be required by this code and by the Director of Community Development or their designee, Planning Commission and/or the Board of Trustees have been submitted, reviewed and found to meet all sound planning and engineering requirements of the Town. Any final plat submission that does not address all of the recommendations and conditions established by the Town and the Planning Commission for the Preliminary Plat under GMC 17.20.30 shall immediately be determined to be incomplete.
- b) A final plat shall be submitted to the Town for review by the Planning Commission within 12 months after approval of the preliminary plat. At the time of submitting the final plat, the applicant shall have paid in full all reimbursement expenses incurred under the Preliminary Plat process for the application; otherwise, such approval shall become null and void unless an extension of time is applied for and granted by the Planning Commission within said one year.
- c) If development is to commence as soon as possible, the submission of a final plat to the Town shall be accompanied by the Final Plan (see Section 16.125.180).

17.20.40.020: Submittal requirements

- (a) The final plat shall be at a minimum scale of one inch equals 100 feet by the use of India ink or other equally substantial solution on tracing cloth or mylar with outer dimensions of 24 inches by 36 inches. It shall be accompanied by one overall map showing the entire development at a legible scale. Good draftsmanship will be required in order for all information to be accurate and legible. Any improvements needing engineering design, such as drainage requirements, requirements for stabilizing unstable land,

and sewer and water system requirements, shall be designed by a registered professional engineer hired by the applicant, and such design shall be submitted with the final plat. In addition, the applicant shall submit to the Town proof of current licenses and/or registration for any and all engineers and/or surveyors responsible for engineering and/or surveying information shown on the final plat.

(b) The applicant must complete a Pre-Application meeting with the Director of Community Development or their designee prior to submitting a sketch plan (as a precursor to the plat process).

(c) The applicant must pay the applicable fees for a Final Plan submission. The applicant shall execute a reimbursement agreement with the Town (Section 16.15.60.30).

(d) The final plat shall contain or be accompanied by the following information and shall be submitted to the Planning Commission at least four weeks prior to the Planning Commission meeting at which the applicant wishes their subdivision considered.

(1) Title, scale, north arrow and a table showing date of preparation and revision dates.

(2) Legal description of property, together with a complete reference to the book and page of records of the Grand County clerk and recorder.

(3) Primary control points, or descriptions and ties to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.

(4) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves with long chord bearings and distances.

(5) Name and right-of-way width of each street or other right-of-way, together with block numbers and street addresses.

(6) Location, dimensions and purpose of any easement, including reference by book and page to any preexisting recorded easements.

(7) Number to identify each lot or site and acreage and square footage of each site to the nearest one one-hundredth of an acre.

(8) Purpose for which sites, other than residential lots, are dedicated or served.

(9) Location and description of monuments.

(10) A title insurance commitment or attorney's title opinion showing that the applicant is the owner of all the land to be platted and that all roads, streets, easements and other rights-of-way and all lots, tracts or sites dedicated or to be conveyed for public use, or for common use by all lot owners, are free and

clear from all liens and encumbrances, except patent reservations, and except liens and encumbrances which cannot be extinguished, released, or purchased by the applicant. If such land is mortgaged by the applicant, it may be sufficient if the mortgagee joins in the dedication, or the Town may require a release of the mortgage or deed of trust of any property dedicated to the public, or lot owners, or homeowners' association.

(11) Statement by applicant platting the property and dedicating the streets, rights-of-way, easements, and any sites for public uses, to be in a form approved by the Town.

(12) Certification by a surveyor ensuring the accuracy of the survey and plat and certifying that he or she has complied with all the requirements of the state statutes, and the requirements of these regulations in the preparation of the final subdivision plat.

(13) Certificates for approval by the Planning Commission and the Board of Trustees in a form approved by the Town.

(14) Certification by a qualified professional engineering, designing or planning firm, ensuring compliance with the design standards and all other requirements of this title in a form approved by the Town.

(15) A two and one-half inch by three-inch vertical box in the lower right-hand corner shall be provided for use by the Grand County clerk and recorder.

(16) The executed original of the restrictive covenants.

(17) A vicinity map.

(18) The applicant shall provide:

(i) Storm drainage plans and related designs in order to ensure proper drainage ways.

(ii) Property survey and proof of ownership.

(iii) Sanitary sewer plan and designs, including soil percolation testing and required percolation rates and site design standards for on-lot sewage disposal systems. (A percolation test will be taken on every lot where individual sewage disposal systems are used and the depth of the ground water table will be indicated.)

(19) The applicant shall provide sites and land areas for parks when such are reasonably necessary to serve the proposed subdivision and the future residents thereof. Such provisions may include:

(i) Reservation of such sites and land areas for acquisition by the Town.

(ii) Dedication of such sites and land areas to the Town or the public not to exceed 20 percent of the land area in the subdivision, or in lieu thereof, payment of a sum of money not exceeding the full market value of such sites and land areas. Any such sums, when required, shall be held by the Board of Trustees for the acquisition of said sites and land areas.

(iii) Dedication of such sites and land areas for the use and benefit of the owners and future owners in the proposed subdivision.

(20) No subdivision shall be approved until such data, surveys, analyses, studies, plans and designs as may be required by this chapter and by the Planning Commission or the Board of Trustees have been submitted, reviewed and found to meet all sound planning and engineering requirements of the Town contained in this title.

(21) Street Addresses.

(i) The applicant will provide, at his expense, one electronic copy and a black line mylar(s) 11 inches by 17 inches, depicting each lot number along with addresses for each lot created according to a formula provided by the Town as provided in Chapter 12.25 GMC, Street Numbering and Designation. The Town may require the applicant to consult with a specific engineering firm or utility firms to determine proper addresses. The cost of said consultation will be the responsibility of the applicant. The mylar(s) will also contain the name of the subdivision and the section(s) township(s) and range(s) in which the subdivision is located.

(ii) Corner lots and double facing lots are to be given addresses off of each street adjacent to said lot.

(iii) The applicant will install road signs comparable to the Town's existing signs, at applicant's expense.

17.20.40.030: Review process.

(a) Completeness Review.

(1) The Director of Community Development or their designee shall determine whether the final plat submittal is complete based on compliance with the submittal requirements herein. Completeness review shall take place within 10 calendar days of submittal to the Director of Community Development or their designee at which time the Director of Community Development or their designee will make one of the following determinations:

(i) Submittal Is Not Complete. If the application is not complete, the Director of Community Development or their designee shall inform the applicant of the deficiencies in writing and the timeline for approval resets. No additional action shall be taken on the application until the deficiencies are remedied. If the applicant does not provide a complete set of application documents within sixty (60)

calendar days, the application shall be deemed void, all fees paid to the Town shall be surrendered, and all reimbursement expenses due to the Town shall be paid.

(ii) Submittal Is Complete. If the submittal is complete, the Director of Community Development or their designee shall certify it as complete and provide written notice to the applicant including the date of determination of completeness.

(b) Upon a determination of completeness of the final plat, the Director of Community Development or their designee shall transmit copies by electronic mail to: the Grand Fire Protection District No. 1, the Granby Sanitation District, XCEL Energy, Mountain Parks Electric, Inc., Grand County Planning, Grand County EMS, East Grand School District, the Colorado Department of Transportation, and any other agency or individual that the Planning Commission, in its sole discretion, may designate. Such agencies shall be required to make written recommendations within 10 calendar days from receipt. Failure to make recommendations within the prescribed period may be deemed an approval of the final plat. The Planning Commission shall not be obligated to transmit copies of a final plat to other agencies as provided in this subsection if the final plat is submitted within 12 months of the approval of the preliminary plat.

(c) The final plat as submitted shall conform substantially to the preliminary plat as approved and may constitute only that portion of the approved preliminary plat which the applicant proposes to record and develop at the time. The final plat shall be accompanied by the final Site Plan for the property in the event the applicant anticipates that development will move forward within the next year (365 calendar days) of the date of the Final Plat application. A final plat application that does not address all conditions of the preliminary plat submittal shall be immediately deemed incomplete.

(d) The commission shall also see that the same notice requirements as dictated in GMC 17.20.030(d) are complied with.

(e) Review of Application Content

The Director of Community Development or their designee shall review the substance of applications deemed complete and shall issue a unified written response concerning issues of concern for the applicant.

(1) The Director of Community Development or their designee shall issue a written, unified response to the applicant regarding the substance of the application within 14 calendar days.

(2) The applicant shall then submit responses to the written, unified response from the Director of Community Development or their designee within 30 calendar days of the receipt of the written, unified response.

(3) If the applicant fails to submit responses to the written, unified response from the Director of Community Development or their designee within 30 calendar days, the applicant shall be deemed as withdrawn, and the applicant must begin the Final Plat approval process anew. The Town Manager or their designee may grant a one-time extension request of this deadline, of no greater than 30 calendar days.

(4) Following receipt of the responses from the applicant to the written, unified response from the applicant, the Director of Community Development or their designee shall issue a confirmation that the application satisfies design requirements (once achieved) within 14 calendar days. Applications shall not move forward to be placed on the calendar of the Planning Commission until all design issues are resolved.

(5) The town clerk shall submit the final plat to the Planning Commission for consideration at the first regularly scheduled meeting of the Planning Commission that is at least 30 calendar days after confirmation by the Town of the adequacy of the applicant's design.

(6) The Director of Community Development or their designee shall issue a unified staff report to the Planning Commission and the staff report shall recommend either an "approval" or "denial" of the application.

(f) In the event a subsequent submittal consisting of a new or revised final plat is made after the original submittal, such submittal shall be considered new and the process shall restart with the completeness review and calendar of deadlines.

17.20.40.040: Approval of Final Plats

The final plat shall be processed as follows:

(1) The Planning Commission shall review the final plat for conformity with the approved preliminary plat, the statement of requirements and other requirements of these regulations. The Planning Commission may recommend approval, approval with conditions or disapproval of the final plat at such meeting or, with approval of the applicant, may defer its decision until the next meeting of the Planning Commission. If the Planning Commission shall disapprove the final plat, it shall prepare or cause to be prepared by staff a written statement of defects, setting forth all of its reasons for recommending disapproval. Such statement of defects shall be signed by the chairman or vice-chairman of the Planning Commission.

(2) Following a recommendation of approval or disapproval of the final plat by the Planning Commission, the town clerk shall retain the plat, together with all supplemental documents for presentation to the Board of Trustees at its next meeting that is at least two weeks after the date of the Planning Commission's recommendation. The Board of Trustees shall check the final plat, especially with regard to required improvements and the acceptance of areas dedicated for public use, and shall approve or

disapprove the final plat. At such meeting, the required guarantees of completion of the roads and improvements shall be provided by the applicant.

(3) If all required improvements have not been completed or guarantees of completion submitted and approved by the Planning Commission or the Board of Trustees, the plat shall be retained by the town clerk pending such completion of guarantees.

(4) No changes, erasures, modifications or revisions shall be made in a final plat after approval has been given by the Planning Commission, except upon further consideration by the Planning Commission, and its permission being given. Following approval of the final plat by the Board of Trustees and the fulfillment of the required conditions for approval, the town clerk shall cause to be recorded the final plat and restrictive covenants in the office of the clerk and recorder of Grand County. The applicant shall provide the town clerk with one complete mylar set and associated written documents and advance all recording fees and costs associated with obtaining the required number of 24-inch by 36-inch copies of all recorded plats and documents and an electronic version of said plat documents. Failure of an applicant to meet all conditions of approval for a final plat and have the plat duly recorded within six months of the Board of Trustees' approval shall result in the automatic withdrawal and termination of approval. In such an instance, the applicant must initiate a new application for plat approval.

(5) All applicants shall resolve all conditions of the final plat and pay in full all fees and associated reimbursement charges to the Town of Granby prior to the issuance of any building permits.

(6) All applicants shall report all sales of parcels of land and subdivision of lots by contract or otherwise to the commission twice a year; on or before June 1st and on or before December 1st.

17.20.40.050: School Lands

(1) All subdivisions shall provide for public school sites to serve the proposed subdivision and the future residents thereof in accordance with these provisions.

(2) Provision of land areas for schools shall be at the rate of 0.0450 acres per single-family dwelling unit in single-family residential subdivisions consisting of four or fewer lots; 0.0180 acres per single-family dwelling unit in single-family residential subdivisions consisting of five or more lots; and 0.0180 acres per multifamily dwelling unit allowable within a subdivision. Such provision may include, subject to the Board of Trustees approval:

(i) Reservation of such sites and land areas, for acquisition by the Town.

(ii) Dedication of such sites and land areas to the Town, or in lieu thereof, payment of a sum of money not exceeding the full market value of such sites and land areas. Any such sums, when required, shall be held by the Board of Trustees for the acquisition of such sites and land areas.

(iii) Dedication of such sites and land areas shall be made at the time of final platting in one or any combination of the following ways:

(A) By dedicating to the Town, a municipal corporation, in fee simple, on the final plat.

(B) By granting the land areas in fee simple by general warranty deeds to the Town.

(3) In lieu of dedication of land areas for public school sites, the Town may require the payment of a sum of money not to exceed the full market value of such sites and land areas at the time of final plat submittal.

(i) Full market value shall be determined by mutual agreement between the applicant and the Board of Trustees. In the event of inability of the above parties to agree on the full market value of the sites, an independent party, being a qualified appraiser in the county of Grand, shall be selected by mutual agreement of the parties. Said independent party's findings on full market value of the site shall be final and binding on all parties. A qualified appraiser shall be a member of the Appraisal Institute (MAI) or a member of the Society of Real Estate Appraisers (SRA). The applicant shall pay the costs of said appraisal.

(ii) Payments made under the requirements of this chapter shall be made payable to the Town. The Board of Trustees shall receive such funds at the time of the final plat approval and deposit them with the town treasurer who may in turn deposit such funds in any Town-approved and designated financial institution.

(A) Such funds shall be deposited to a special interest bearing account for the East Grand School District. Each deposit shall be credited to the name of the subdivision for which the payment was made. The status of this account shall be reported annually to the Board of Trustees and shall be made available to the school district and the general public.

(B) Funds may be withdrawn from the special escrow accounts by the board for the specific purpose of acquiring land for school sites within the school district.

(iii) The Board of Trustees shall, from time to time, adopt a resolution setting forth the formula to be used to determine the sums of money to be paid in lieu of dedication of land areas.

(4) Land conveyed to the Town for public school sites shall be transferred and conveyed to the East Grand School District upon written request by the school district. Funds paid to the Town in lieu of dedication of land areas for public school sites shall be made available to the school district for use in acquisition of specific property for school sites upon written request by the school district. Prior to the conveyance of land previously dedicated for school site purposes or the transfer of funds from the town to the school district, all requests shall be referred to the commission for its recommendations. Said recommendations shall be advisory only and shall not restrict the right of the school district to require the transfer of lands or the transfer of funds by the board upon request.

(5) Land areas that shall not be acceptable in determining the fulfillment of the requirements for the provision of land areas for public school sites shall include the following:

(i) Natural drainage ways, streams, gullies, and rivers, including all lands within the 100-year floodplain. (Note: Unless the school district specifically accepts a certain portion for a reasonable use and it is approved by the Board of Trustees.)

(ii) Rights-of-way and/or easements for irrigation ditches and aqueducts.

(iii) Steep or rugged land areas, hazardous geological land areas, hazardous wildfire land areas and such other areas as are not conducive for use as school sites.

(6) Improvements that shall be constructed or installed on or adjacent to designated school sites shall be as follows:

(i) Curb, gutter, and pavements, in accordance with the town standards in those subdivisions requiring same.

(ii) Utilities shall be extended to the property line.

(iii) All drainage structures and facilities.

17.20.40.060: Water Quality Fee

(1) At or before the approval of the final plat by the Board of Trustees, the Board of Trustees shall assess a water quality fee for each lot within the subdivision. The amount of the fee may be adjusted by resolution of the Board of Trustees from time to time.

(2) The water quality fee shall be paid (i) prior to the recording of the plat, or (ii) by the execution of a promissory note and deed of trust in a form deemed acceptable by the town attorney requiring the payment of the fee associated with each such lot prior to issuance of building permit, or (iii) through other means of security agreed to by the Board of Trustees.

(3) All water quality fees collected by the Town shall be used for the following purposes:

(i) Studies to establish need for new water or waste water treatment facilities;

(ii) Studies for expansion and upgrades to existing water and wastewater;

(iii) Studies to establish impacts and causes of nonpoint source pollution to surface and ground water;

(iv) Purchase of water to help dilute surface or ground water pollution caused by either point or nonpoint source pollution;

- (v) Studies to establish the impact of individual sewage disposal systems on ground and surface water;
- (vi) Purchase of property needed to accommodate new waste treatment facilities;
- (vii) Purchase of property needed to accommodate expansion of wastewater treatment facilities;
- (viii) Funding for expansion of wastewater main lines into area deemed to significantly contribute to point or not point source pollution on fish and aquatic invertebrates;
- (ix) Other facilities plans or updates;
- (x) Any other item that would address water quality impacts as deemed to be necessary is at the sole discretion of the board of trustees.

Resubdivision (Section 17.35):

Sections:

16.35.010 Purpose and Scope

17.35.020 Application and Review Process – Resubdivision Plat

17.35.010 Definition and Purpose

- a) “Resubdivision” means the further division of any lot or tract or parcel as designated on any subdivision plat previously recorded with the Grand County clerk and recorder and that was originally platted under these regulations.

- b) Purpose. To provide continuing supervision of prior development and avoid duplication of technical data and information.

17.35.020 Application and Review Process – Resubdivision Plat

(a) Completeness Review.

(1) The Director of Community Development or their designee shall determine whether the application is complete based on compliance with the submittal requirements herein. Completeness shall take place within 5 calendar days at which time the Director of Community Development or their designee will make one of the following determinations:

(i) Application Is Not Complete. If the application is not complete, the Director of Community Development or their designee shall inform the applicant of the deficiencies in writing and the timeline for approval resets. No additional action shall be taken on the application until the deficiencies are remedied. If the applicant does not provide a complete set of application documents within sixty (60) calendar days, the application shall be deemed void, all fees paid to the Town shall be surrendered, and all reimbursement expenses due to the Town shall be paid.

(ii) Application Is Complete. If the application is complete, the Director of Community Development or their designee shall certify it as complete and provide written notice to the applicant including the date of determination of completeness.

(2) In the event an applicant submits a revised Resubdivision Plat after the original application, such submittal shall be considered a new application and the process shall begin anew with the determination of application completeness review. The submittal of a revised Resubdivision Plat after the original application shall initiate a re-starting of the calendar of deadlines (for the applicant and for the Town) for the approval process for the Resubdivision Plat.

(b) The Director of Community Development or their designee shall review the substance of the application and shall issue a unified written response of issues of concern for the applicant.

(1) The Director of Community Development or their designee shall issue a written, unified response to the applicant regarding the substance of the application within 10 calendar days.

(2) The applicant shall then submit responses to the written, unified response from the Director of Community Development or their designee within 10 calendar days of the receipt of the written, unified response.

(3) If the applicant fails to submit responses to the written, unified response from the Director of Community Development or their designee within 10 calendar days, the applicant shall be deemed as withdrawn, and the applicant must begin the Resubdivision Plat approval process anew. The Town Manager or their designee may grant a one-time extension request of this deadline, of no greater than 30 calendar days.

(4) Following receipt of the responses from the applicant to the written, unified response from the applicant, the Director of Community Development or their designee shall issue a confirmation that the application satisfies design requirements (once achieved) within 10 calendar days.

(c) The Town Clerk shall not establish the date of hearing with the Planning Commission for the application until the end of the 10 calendar day response time identified in GMC 17.35.30, b, (4).

(d) The Town Clerk shall establish the date of hearing with the Planning Commission for the application to occur no less than 15 calendar days after the date the Director of Community Development or their designee issues a confirmation that the submittal serves as a satisfactory design response.

(e)The Director of Community Development or their designee shall issue a unified staff report to the Planning Commission and the staff report shall recommend either an “approval” or “denial” of the application.

(f) The Planning Commission shall consider the Resubdivision Plat at a public hearing and make a motion to approve or deny the application. All decisions of the Planning Commission are final.

Minor Subdivision (Section 17.40)

Sections:

- 17.40.10: Purpose and Definition
- 17.40.20: Submittal Requirements
- 17.40.30: Review Process
- 17.40.40: Approval of Final Plat

17.40.10: Purpose and Definition

- a) Purpose. To minimize the procedural requirements and review time for subdivisions which have a relatively minimal impact on the planning area.
- b) Definition. Minor subdivision means a subdivision that is either:
 - a. A subdivision that is exclusively residential with no more than five resulting lots or dwelling units regardless of the zoning district in which it is located; or
 - b. A subdivision in the Downtown (DT), MU-34/40, or MU-1 district with no more than five resulting lots or units.

17.40.20: Submittal Requirements

The Town requires the submittal using the Town's online portal of a Final Plat as part of the Minor Subdivision process.

Final Plat. A minor subdivision Final Plat shall contain the following:

The final plat shall be at a minimum scale of one inch equals 100 feet by the use of India ink or other equally substantial solution on tracing cloth or mylar with outer dimensions of 24 inches by 36 inches. It shall be accompanied by one overall map showing the entire development at a legible scale. Good draftsmanship will be required in order for all information to be accurate and legible. Any improvements needing engineering design, such as drainage requirements, requirements for stabilizing unstable land, and sewer and water system requirements, shall be designed by a registered professional engineer hired by the applicant, and such design shall be submitted with the final plat. In addition, the applicant shall submit to the Town proof of current licenses and/or registration for any and all engineers and/or surveyors responsible for engineering and/or surveying information shown on the final plat.

- (a) The applicant must complete a Pre-Application meeting with the Director of Community Development or their designee prior to submitting a final plat.

(b) The applicant must pay the applicable fees for a Final Plan submission. The applicant shall execute a reimbursement agreement with the Town (Section 16.15.60.30).

(c) The final plat shall contain or be accompanied by the following information and shall be submitted to the Planning Commission at least four weeks prior to the Planning Commission meeting at which the applicant wishes their subdivision considered.

(i) Title, scale, north arrow and a table showing date of preparation and revision dates.

(ii) Legal description of property, together with a complete reference to the book and page of records of the Grand County clerk and recorder.

(iii) Primary control points, or descriptions and ties to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.

(iv) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves with long chord bearings and distances.

(v) Name and right-of-way width of each street or other right-of-way, together with block numbers and street addresses.

(vi) Location, dimensions and purpose of any easement, including reference by book and page to any preexisting recorded easements.

(vii) Number to identify each lot or site and acreage and square footage of each site to the nearest one one-hundredth of an acre.

(viii) Purpose for which sites, other than residential lots, are dedicated or served.

(ix) Location and description of monuments.

(x) A title insurance commitment or attorney's title opinion showing that the applicant is the owner of all the land to be platted and that all roads, streets, easements and other rights-of-way and all lots, tracts or sites dedicated or to be conveyed for public use, or for common use by all lot owners, are free and clear from all liens and encumbrances, except patent reservations, and except liens and encumbrances which cannot be extinguished, released, or purchased by the applicant. If such land is mortgaged by the applicant, it may be sufficient if the mortgagee joins in the dedication, or the Town may require a release of the mortgage or deed of trust of any property dedicated to the public, or lot owners, or homeowners' association.

(xi) Statement by applicant platting the property and dedicating the streets, rights-of-way, easements, and any sites for public uses, to be in a form approved by the Town.

(xii) Certification by a surveyor ensuring the accuracy of the survey and plat and certifying that he or she has complied with all the requirements of the state statutes, and the requirements of these regulations in the preparation of the final subdivision plat.

(xiii) Certificates for approval by the Planning Commission and the Board of Trustees in a form approved by the Town.

(xiv) Certification by a qualified professional engineering, designing or planning firm, ensuring compliance with the design standards and all other requirements of this title in a form approved by the Town.

(xv) A two and one-half inch by three-inch vertical box in the lower right-hand corner shall be provided for use by the Grand County clerk and recorder.

(xvi) The executed original of the restrictive covenants.

(xvii) A vicinity map.

The applicant shall also provide:

(xviii) Storm drainage plans and related designs in order to ensure proper drainage ways.

(ixx) Property survey and proof of ownership.

(xx) Sanitary sewer plan and designs, including soil percolation testing and required percolation rates and site design standards for on-lot sewage disposal systems. (A percolation test will be taken on every lot where individual sewage disposal systems are used and the depth of the ground water table will be indicated.)

(xxi) The applicant shall provide sites and land areas for parks when such are reasonably necessary to serve the proposed subdivision and the future residents thereof. Such provisions may include:

(xxii) Reservation of such sites and land areas for acquisition by the Town.

(xxiii) Dedication of such sites and land areas to the Town or the public not to exceed 20 percent of the land area in the subdivision, or in lieu thereof, payment of a sum of money not exceeding the full market value of such sites and land areas. Any such sums, when required, shall be held by the Board of Trustees for the acquisition of said sites and land areas.

(xxiv) Dedication of such sites and land areas for the use and benefit of the owners and future owners in the proposed subdivision.

(xxv) No subdivision shall be approved until such data, surveys, analyses, studies, plans and designs as may be required by this chapter and by the Planning Commission or the Board of Trustees have been submitted, reviewed and found to meet all sound planning and engineering requirements of the Town contained in this title.

(xxvi) Street Addresses.

(a) The applicant will provide, at his or her expense, one electronic copy and a black line mylar(s) 11 inches by 17 inches, depicting each lot number along with addresses for each lot created according to a formula provided by the Town as provided in Chapter 12.25 GMC, Street Numbering and Designation. The Town may require the applicant to consult with a specific engineering firm or utility firms to determine proper addresses. The cost of said consultation will be the responsibility of the applicant. The mylar(s) will also contain the name of the subdivision and the section(s) township(s) and range(s) in which the subdivision is located.

(b) Corner lots and double facing lots are to be given addresses off of each street adjacent to said lot.

(c) The applicant will install road signs comparable to the Town's existing signs, at applicant's expense.

(d) Proof of ownership.

17.40.30: Review Process

The Director of Community Development ~~Department~~ or their authorized agent or designee shall review the Final Plat following the completion of a pre-application meeting.

(a) Completeness Review.

The Director of Community Development or their designee shall determine whether the final plat submittal is complete based on compliance with the submittal requirements herein. Completeness review shall take place within 5 calendar days of submittal to the Town at which time the Director of Community Development or their designee will make one of the following determinations:

(i) Submittal Is Not Complete. If the application is not complete, the Director of Community Development or their designee shall inform the applicant of the deficiencies in writing and the timeline for approval resets. No additional action shall be taken on the application until the deficiencies are remedied. If the applicant does not provide a complete set of application documents within sixty (60)

calendar days, the application shall be deemed void, all fees paid to the Town shall be surrendered, and all reimbursement expenses due to the Town shall be paid.

(ii) Submittal Is Complete. If the submittal is complete, the Director of Community Development or their designee shall certify it as complete and provide written notice to the applicant including the date of determination of completeness.

(b) Upon a determination of completeness of the final plat, the Director of Community Development or their designee shall transmit copies by electronic mail to: the Grand Fire Protection District No. 1, the Granby Sanitation District, XCEL Energy, Mountain Parks Electric, Inc., Grand County Planning, Grand County EMS, East Grand School District, the Colorado Department of Transportation, and any other agency or individual that the Planning Commission, in its sole discretion, may designate. Such agencies shall be required to make written recommendations within 10 calendar days from receipt. Failure to make recommendations within the prescribed period may be deemed an approval of the final plat.

(c) The applicant shall provide to the town clerk or their designee proof of mailing by the applicant of the notice to the appropriate surface owners, mineral owners and lessees of mineral rights, and owners of land within 300 feet of the parcel property line as their names appear upon the plats and records in the Grand County clerk and recorder's office, within two business days of the date of mailing of the notice.

(d) Review of Application Content

The Director of Community Development or their designee shall review the substance of applications deemed complete within 21 calendar days. The Director of Community Development or their designee shall review the completed application and issue a confirmation to the applicant that the application satisfies the Town's design requirements, once they are achieved. As a next step, the Director of Community Development or their designee shall issue a unified memorandum to the Planning Commission recommending either an approval or denial of the final plat, after the applicant has satisfied the design requirements of the town. After the Town confirms the adequacy of the applicant's design, the town clerk shall place the final plat on the Planning Commission's agenda for consideration at the first regularly scheduled meeting of the Planning Commission that is at least 21 calendar days after confirmation by the Town of the adequacy of the applicant's design.

(e) In the event a subsequent submittal consisting of a revised final plat is made after the original submittal, such submittal shall be considered new and the process shall restart with the completeness review and calendar of deadlines.

17.40.40: Approval of Final Plat

The final plat shall be processed as follows:

(a) The Planning Commission shall review the final plat for conformity with the Town's zoning regulations. The Planning Commission may recommend approval, approval with conditions or disapproval of the final plat at such meeting or, with approval of the applicant, may defer its decision until the next meeting of the Planning Commission. If the Planning Commission shall disapprove the final plat, it shall prepare or cause to be prepared by staff a written statement of defects, setting forth all of its reasons for recommending disapproval. Such statement of defects shall be signed by the chairman or vice-chairman of the Planning Commission.

(b) Following a recommendation of approval or disapproval of the final plat by the Planning Commission, the town clerk shall retain the plat, together with all supplemental documents for presentation to the Board of Trustees at its next meeting that is at least two weeks after the date of the Planning Commission's recommendation. The Board of Trustees shall check the final plat, especially with regard to required improvements and the acceptance of areas dedicated for public use, and shall approve or disapprove the final plat. At such meeting, the required guarantees of completion of the roads and improvements shall be provided by the applicant.

(c) If all required improvements have not been completed or guarantees of completion submitted and approved by the Planning Commission or the Board of Trustees, the plat shall be retained by the town clerk pending such completion of guarantees.

(d) No changes, erasures, modifications or revisions shall be made in a final plat after approval has been given by the Planning Commission, except upon further consideration by the Planning Commission, and its permission being given. Following approval of the final plat by the Board of Trustees and the fulfillment of the required conditions for approval, the town clerk shall cause to be recorded the final plat and restrictive covenants in the office of the clerk and recorder of Grand County. The applicant shall provide the town clerk with one complete mylar set and associated written documents and advance all recording fees and costs associated with obtaining the required number of 24-inch by 36-inch copies of all recorded plats and documents and an electronic version of said plat documents. Failure of an applicant to meet all conditions of approval for a final plat and have the plat duly recorded within six months of the Board of Trustees' approval shall result in the automatic withdrawal and termination of approval. In such an instance, the applicant must initiate a new application for plat approval.

(e) All applicants shall satisfy all conditions of the final plat approval and pay in full all fees and applicable reimbursement charges to the town prior to the town recording the final plat. If any conditions of approval remain unsatisfied or any required fees or reimbursement charges remain unpaid six (6) months after the date of final plat approval, the approval shall be deemed rescinded, and the applicant shall be required to submit a new application and obtain approval in accordance with the procedures

then in effect. The Town Manager or their designee may grant one six-month extension of the final plat approval upon written request submitted prior to expiration, if the applicant demonstrates that they have diligently pursued completion of all outstanding conditions. No further extensions shall be granted.

(f) All applicants shall report all sales of parcels of land and subdivision of lots by contract or otherwise to the commission twice a year; on or before June 1st and on or before December 1st.

Administrative Plat Amendment (Section 17.45)

Sections:

- 17.45.010 Purpose and scope.
- 17.45.020 Definitions.
- 17.45.030 Procedure.
- 17.45.040 Submittal requirements.
- 17.45.050 Affidavit of correction.

17.45.010 Purpose and scope.

This chapter is enacted pursuant to Section 31-23-214, C.R.S., and is intended to provide an efficient process to correct clerical and other nonmaterial errors in approved plats and to approve minor lot line adjustments, in cases meeting the requirements of this chapter. Where applicable, the provisions of this chapter supersede conflicting or inconsistent provisions of other sections of this title.

17.45.020 Definitions.

For the purposes of this chapter, “administrative plat amendment” means a minor change in a previously approved plat that meets one or more of the following criteria:

- (a) The amendment involves lot line adjustments, including the consolidation of contiguous lots under common ownership, which do not increase the number of lots previously included within the area involved in the amendment.
- (b) The amendment effects minor adjustments in the boundaries of streets or utility easements.
- (c) The amendment changes the names of streets or the name of the existing plat.
- (d) The amendment corrects minor errors on a plat including, but not limited to:
 - (1) Typographical and spelling errors or transpositions;
 - (2) Incorrect seal;
 - (3) Incorrect dates;
 - (4) Monumentation incorrectly noted or drawn;
 - (5) Incorrect or missing interior dimensions on the drawing;

(6) Missing or incorrectly displayed arrows, graphic scales or symbols.

(e) The amendment addresses issues that, in the judgment of the town manager, are similar in nature to those specified above and which do not result in additional dwelling units or an increased density on the property than were created by the plat that the applicant desires to amend.

17.45.030 Procedure.

a) Pre-Application Meeting – A potential applicant under this section shall meet with the Director of Community Development or their designee prior to submitting an application. The purpose of a pre-application meeting is to review the submittal and approval process for administrative plats. Within three calendar days of the pre-application meeting, the Director of Community Development or their designee shall send a memorandum to the potential applicant outlining the conclusions of the meeting and summarizing the next steps (if applicable) in the process. The Town provides the pre-application meeting to help potential applicants understand whether their application warrants consideration as an administrative plat or whether another route within the Town’s Code is more appropriate.

b) Pay Fees and Sign Reimbursement Agreement – Prior to submitting an application, applicants shall pay the application fee to the Town. The applicant shall execute a reimbursement agreement with the Town (Section 16.15.60.30).

c) Submittal of Application – The applicant shall file the application and all necessary materials using the Town’s online portal.

d) Completeness Review –

The Director of Community Development or their designee shall determine whether the final plat submittal is complete based on compliance with the submittal requirements herein. Completeness review shall take place within 10 calendar days of submittal to the Town at which time the Director of Community Development or their designee will make one of the following determinations:

(i) Submittal Is Not Complete. If the application is not complete, the Director of Community Development or their designee shall inform the applicant of the deficiencies in writing and the timeline for approval resets. No additional action shall be taken on the application until the deficiencies are remedied. If the applicant does not provide a complete set of application documents within thirty (30) calendar days, the application shall be deemed void, all fees paid to the Town shall be surrendered, and all reimbursement expenses due to the Town shall be paid.

(ii) Submittal Is Complete. If the submittal is complete, the Director of Community Development or their designee shall certify it as complete and provide written notice to the applicant including the date of determination of completeness.

e) Noticing and Posting of the Application - The applicant shall give notice of the application by regular mail, postage prepaid, to the record owners of those properties located immediately adjacent to the property that is the subject of the application and the owners of any interest over or across the property that is the subject of the application, as shown on a list of adjacent property owners and owners of easements over or across the property, which list shall be supplied by the applicant. Such notice shall indicate that comments must be received by the Director of Community Development or their designee within 10 calendar days of the date of such mailing. The applicant shall obtain the public posting from the town clerk and post the public notice in a conspicuous place on the property that is the subject of the application. The required notices shall be mailed and the premises posted not less than 10 calendar days prior to the date any decision on the application is made by the Director of Community Development or their designee. The applicant shall provide to the town clerk or their designee proof of mailing by the applicant of the notice to the appropriate surface owners, mineral owners and lessees of mineral rights, and owners of land within 300 feet of the parcel property line as their names appear upon the plats and records in the Grand County clerk and recorder's office, within two business days of the date of mailing of the notice.

f) Review by the Director of Community Development or their Designee – The Director of Community Development or their designee, including individuals serving as the engineer, Town attorney, and town planner, shall review the completed application and provide comments within 10 calendar days. The Director of Community Development or their designee shall provide comments to the applicant regarding the application. The applicant shall resubmit the application with the requested changes or modifications to the Town, and the Director of Community Development or their designee shall review the application for completeness, thus returning the application to Section 17.45.30 (d). The Director of Community Development or their designee shall make a recommendation in writing to either approve or deny the administrative plat amendment request following the completion of its review.

g) Referral to the Planning Commission – The Director of Community Development or their designee may refer a completed application to the Planning Commission for their review and comment at the next regularly scheduled Planning Commission meeting. In the event of such referral, the Planning Commission shall review and comment at its next meeting and provide those comments in written form to the Director of Community Development or their designee.

h) Approval of the Administrative Plat Amendment - If the Director of Community Development or their designee finds that the submittal meets the requirements set forth in GMC 17.45.040 that the lots resulting from the plat amendment conform to all applicable requirements for the zone district(s) in which the property is located, that granting the application is consistent with the Granby Comprehensive Plan, that, in the opinion of the Director of Community Development or their designee, the amended plat would not create illogical or substantially unusable lot areas, and that, in the opinion of the Director of Community Development or their designee, the plat amendment will not adversely affect adjacent properties, then the Director of Community Development or its designee shall approve the amended

plat. The Director of Community Development or their designee shall make a decision on the application within five calendar days of receiving written comments from Town staff or consultants, from notified property owners, and from the Planning Commission. Upon approval of the amended plat by the Director of Community Development or their designee, the chair of the Planning Commission and the mayor shall execute the Town certificate of approval on the plat or accept the affidavit of correction made pursuant to GMC 17.45.050. Approved plats shall be recorded and otherwise processed as provided in this title.

i) Appeals - The applicant or the owner of adjacent property or the owner of an easement over or across the property may appeal the decision made by the Director of Community Development or their designee to the Board of Trustees, by filing a written notice of appeal with the town clerk within 10 days of the decision made by the Director of Community Development or their designee. Such appeal shall set forth with specificity the basis for the appeal and shall be heard by the Board of Trustees within 30 calendar days of the date the appeal is filed. On appeal, the Board of Trustees may uphold or reverse the decision made by the Director of Community Development or their designee.

17.45.040 Submittal requirements.

(a) The applicant shall provide an existing conditions map showing the following information, if applicable:

(1) All existing structures, including surface and subsurface facilities.

(2) All existing uses on the site.

(3) Existing zoning districts, taxing districts or any other special districts.

(4) Perimeter outline of the project and abutting property lines.

(5) The approved survey plat description of the perimeter of the proposed subdivision, including ties to existing section monuments or records and a description of monuments. (The survey plat shall have an error not greater than one part in 10,000, and monuments shall conform to the requirements of Section 38-51-101, C.R.S.)

(6) The location and identification of all existing public and private easements, rights-of-way, roads, streets, alleys, bicycle paths, railroads, section lines within the approved subdivision and the names of existing streets.

(b) A written application signed by the record owner of the property involved on a form provided by the town.

(c) A mylar and copies of the proposed plat meeting the requirements for a final plat as provided in GMC 17.20.40.020, except that the approval certificate for the town shall be prepared for the signature of the

planning commission chair and the mayor, for whom a signature spaces shall also be provided. If the amendment will alter the street addresses, then the mylar should also comply with GMC 17.20.40.020. The number of copies shall be as determined from time to time by the town clerk and set forth in the development review guide of the town.

(d) Evidence of fee ownership of each parcel of land included within the proposed plat amendment. Such evidence shall consist of a title commitment or a title insurance policy, a written attorney title, a subdivision certificate or a written ownership and encumbrance report, all dated within 30 days before the date of submission to the town. Copies of deeds and tax notices are not sufficient. If a legal entity owns the property, the applicant shall furnish such additional information (i.e., partnership agreement, joint venture affidavit as provided by Section 38-30-166, C.R.S., etc.) as may be requested by the town in order to determine that the signatories have been authorized by that entity to execute such documents.

(e) An affidavit indicating that the applicant has provided notice to all telecommunications, gas and electric utilities serving the property, and any and all cable television operators franchised to do business in the town, and they have indicated their approval or have not responded within 10 days of such notice.

(f) A list of all owners of adjacent property and all owners of easements over, through, or across the property.

(g) A costs deposit in an amount to be determined from time to time by resolution of the board of trustees and set forth in Chapter 3.30 GMC.

17.45.050 Affidavit of correction.

If the purpose of the administrative plat amendment is to correct one or more minor errors or omissions in an approved plat, e.g., a name, incorrect seal, monumentation incorrectly noted, or an internal dimension, and such correction can be accomplished by a narrative statement, in lieu of submitting a plat as required by GMC 17.45.040(c), the applicant may submit an affidavit of correction prepared, signed and stamped by a professional land surveyor and signed by the owner which fully and adequately describes each error and each correction to be made, by specific reference to the approved plat. Upon approval of the administrative plat amendment, the affidavit of correction shall be recorded in lieu of a plat, along with appropriate evidence of approval thereof by the town.

Vested Property Rights (Section 17.50)

Sections:

- 17.50.010 Purpose.
- 17.50.020 Request to vest.
- 17.50.030 Notice and hearing.
- 17.50.040 Approval – Effective date – Amendments.
- 17.50.050 Notice of approval.
- 17.50.060 Payment of costs.
- 17.50.070 Other provisions unaffected.
- 17.50.080 Limitations.

17.50.010 Purpose.

The purpose of this chapter is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., as amended.

17.50.020 Request to vest.

In the event an applicant for site development approval wishes approval to have the effect of creating vested property rights pursuant to Article 68 of Title 24, C.R.S., as amended, the applicant must so request to the town, using the Town's online portal, at least 30 days prior to the date said approval is to be considered, accompanied by the owner's proposed formal notice of the creation of the vested property right. Failure to so request renders the approval not a site-specific development plan, and no vested rights shall be deemed to have been created.

17.50.030 Notice and hearing.

No site-specific development plan shall be approved until after a public hearing, preceded by written notice of such hearing. Such notice may at the town's option be combined with the notice required by Section 31-23-304, C.R.S., as amended, for the zoning regulations, or with any other required notice. At such hearing, interested persons shall have the opportunity to be heard.

17.50.040 Approval – Effective date – Amendments.

A site-specific development plan shall be deemed approved upon the effective date of the board approval action relating thereto, as set forth above. In the event amendments to a site-specific development plan are proposed and approved, the effective date of such amendments for purposes of

duration of a vested property right shall be the date of the approval of the original site-specific development plan, unless the board specifically finds to the contrary and incorporates such finding in its approval of the amendment.

17.50.050 Notice of approval.

Each map, plat or site plan constituting a site-specific development plan shall contain the following language:

Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S, as amended.

Failure to contain this statement shall invalidate the creation of the vested property right. In addition, a notice describing generally the type and intensity of use approved, the specific parcel or parcels of property affected, and stating that a vested property right has been created shall be published once, not more than 14 days after approval of the site-specific development plan, by the Town Clerk in a newspaper of general circulation within the town.

17.50.060 Payment of costs.

In addition to any and all other fees and charges imposed by this code, the applicant for approval of this site-specific development plan shall pay all costs occasioned to the town as a result of the site-specific development plan review, including publication of notices, public hearing and review costs. At the option of the town, these costs may be imposed as a flat fee, established by the board by resolution. The Town may also require applicant to execute a reimbursement agreement (Section 16.15.060) to pay for these costs.

17.50.070 Other provisions unaffected.

Approval of a site-specific development plan shall not constitute an exemption from or waiver of any other provisions of this code pertaining to any ordinance, or the development and use of property.

17.50.080 Limitations.

Nothing in this chapter is intended or shall be deemed to create any vested property right, but only to implement the provisions of Article 68 of Title 24, C.R.S, as amended. In the event of the repeal of Article 68 or a judicial determination that Article 68 is invalid or unconstitutional, this chapter shall be deemed to be repealed and the provisions hereof no longer effective.

Condominiums, Townhomes, and Cooperatives (Section 17.55)

Sections:

17.55.010 Purpose and applicability.

17.55.020 Submittal materials.

17.55.030 Additional materials to be submitted for condominium conversions.

17.55.040 Review procedures.

17.55.050 Materials to be submitted for minor condominium conversions.

17.55.060 Improvement security.

17.55.070 Condominium and minor condominium conversions – As-built map preparation.

17.55.010 Purpose and applicability.

This chapter has been prepared in accordance with the provision of the Local Government Land Use Control Enabling Act of 1974, as found in Section 29-20-104, C.R.S., to regulate certain developments which may result in significant changes to the population of the Town and to control the impact thereof on the Town and the surrounding areas. The Town finds that this chapter is necessary for the protection of the public health, safety and welfare to ensure the performance of maintenance responsibilities in condominiums and to promote the public health, safety and welfare.

This chapter shall be applicable to condominium, townhouse and cooperative projects that are commenced or converted after the effective date of this section of the Code.

17.55.020 Submittal materials.

(a) Sketch Plan. An applicant for approval of a cooperative, townhouse or condominium project is encouraged to submit a sketch plan including the requirements identified in the below definition of “sketch plan” and in GMC 17.20.020 prior to submission of a preliminary plat or, in the case of a minor condominium conversion, prior to submission of a final plat.

As used in this section, a “sketch plan” shall refer to a freehand, to-scale drawing of the proposed subdivision depicting topography of the land to be developed, the proposed street system with the approximate right-of-way width, the block and lot pattern with approximate lot areas noted, and the location of utilities and existing development on the subject and adjacent land. In the case of a minor condominium conversion, the term “sketch plan” shall refer to a freehand, to-scale drawing of the proposed condominium project depicting the existing building or buildings, with the condominium units noted, the existing streets and the location of utilities.

(b) Preliminary Condominium Plat. All proposed cooperative, town house or condominium projects (excluding minor condominium conversions) shall submit the preliminary condominium plat, containing

the information and requirements specified in GMC 17.20.030 as may be applicable to the proposed project. In addition to that information, the preliminary condominium plat shall include the following items in preliminary form:

(1) A map showing all general common areas, limited common areas, units, easements and uses of the building grounds, and plans for the interior division of the building showing horizontal and vertical boundaries of all units.

(2) A draft copy of the proposed declaration and organizational documents of the homeowners' association which contain the information required by the Colorado Common Interest Ownership Act (CCIOA) declaration. The declaration shall include any proposed restrictive covenants, conditions or restrictions.

(3) A draft copy of the bylaws which contain the information required by CCIOA.

(4) In addition, the applicant shall provide the following data in preliminary form for review by the Planning Commission:

(i) The size of each unit;

(ii) Existing and proposed off-street parking areas;

(iii) Existing and proposed landscaping;

(iv) Existing and proposed facilities, including all buildings and structures;

(v) Plans for ingress and egress; and

(vi) Such other information as may be requested by the Planning Commission.

(c) Final Plat Requirements. The final plat shall contain all information required by GMC 17.20.040. In addition, the applicant shall submit the following:

(1) All items set forth in subsection (b) of this section, but in final form;

(2) The final form of the declaration and organization documents of the homeowners' association shall include a summary of changes made in those documents following submission of the preliminary plat; and

(3) Such other information as the Planning Commission or Board of Trustees may request.

17.55.03040 Additional materials to be submitted for condominium conversions.

(a) Sketch Plan. No materials other than those listed in GMC 17.20.020 and 17.55.020(a) need be submitted.

(b) Preliminary Subdivision Plat. In addition to the materials listed in GMC 17.20.30 and 17.55.020(b), the applicant shall provide:

(1) A proposed condominium agreement with the Town setting forth the following:

(i) Notice procedures for granting existing tenants not less than 90 days' written notice of intent to condominiumize, which notice shall specify the sale price of the particular unit.

(ii) A provision whereby each tenant shall have a 90-day non-assignable option to purchase their unit at the specified sale price, which price shall not be varied by more than 10 percent for a period of six months after recordation of the plat.

(2) A written description of the impact condominiumization will have on the supply of low- and moderate-income housing and rental space.

(3) A statement of whether or not the applicant intends to make special provisions for the elderly or low-income citizens now residing within the structure proposed for condominiumization.

(4) In addition to the public notice requirements of GMC 17.20.30.020 (d), all tenants of a building proposed for condominiumization shall be sent notices by the applicant at least 15 calendar days prior to the public hearing on the preliminary plat. The applicant shall provide proof of mailing to the Town within two business days of distributing mailings to all tenants of a building proposed for condominiumization.

(c) Final Plat.

(1) The final plat shall comply with all requirements of GMC 17.20.040.

(2) Applicant shall provide a list of all tenants who occupied, rented or resided in units of the structure being considered for condominiumization on the date the application to condominiumize the structure was submitted to the Town and had so occupied, rented or resided for at least 30 days prior to said date.

(3) In addition to the public notice requirement of GMC 17.20.030(d), all tenants of a building proposed for condominiumization shall be sent notices by the applicant at least 15 days prior to the meeting at which the final plat will be heard. The applicant shall provide proof of mailing to the Town within two business days of distributing mailings to all tenants of a building proposed for condominiumization.

(4) The applicant shall obtain and provide to the Town a code compliance report from the Town building department indicating compliance with all design, building, fireproofing, soundproofing and utility standards of the Town.

(5) If not already in compliance, applicant shall provide building plans indicating how and when the developer will attain compliance with all design, building, fireproofing, soundproofing and utility standards of the Town.

(6) Applicant shall provide an estimate of the annual budget of the homeowners' association for a period of two years from the conversion or creation of the condominium units.

(7) Applicant shall provide certification of whether or not the appropriate subdivision fee for school impacts, water quality or park fee were previously paid to the Town or East Grand School District when the parcel was originally subdivided.

(8) Applicant shall provide certification from the Director of Community Development or their designee that all off-street parking areas and drainage requirements have been met pursuant to the this code.

(9) Applicant shall provide certification from the Director of Community Development or their designee that the application complies with all zoning guidelines as outlined in Sections 16.45 – 16.90.

17.55.040 Review procedures.

a) Pre-Application Meeting

An applicant must complete a Pre-Application meeting (see Section 16.15.60) prior to submitting an application under this Section 17.55.

b) Submittal of Fees and Reimbursement Agreement

The applicant shall submit the fees specified by the Town and shall sign a reimbursement agreement-to cover the costs of any outside consultants in the review and administration of applications under this section.

c) Sketch Plan Submittal and Review

If an applicant chooses to submit a sketch plan to the Town, the review of the sketch plan shall follow the review procedures listed in Section 17.20.020.

d) Review process for preliminary plats

(1) Completeness Review.

(i) The Director of Community Development or their designee shall determine whether the application is complete based on compliance with the submittal requirements herein. Completeness shall take place within 10 calendar days at which time the Director of Community Development or their designee will make one of the following determinations:

(1) Application Is Not Complete. If the application is not complete, the Director of Community Development or their designee shall inform the applicant of the deficiencies in writing and the timeline for approval resets. No additional action shall be taken on the application until the deficiencies are remedied. If the applicant does not provide a complete set of application documents within sixty (60) calendar days, the application shall be deemed void, all fees paid to the Town shall be surrendered, and all reimbursement expenses due to the Town shall be paid.

(2) Application Is Complete. If the application is complete, the Director of Community Development or their designee shall certify it as complete and provide written notice to the applicant including the date of determination of completeness. The Town shall submit the application to the Planning Commission for consideration at the first regularly scheduled meeting of the Planning Commission that is at least 30 calendar days after the date of confirmation by the Town of the adequacy of the applicant's design as outlined in their application.

(ii) In the event an applicant submits a new or revised preliminary plat after the original application, such submittal shall be considered a new application and the process shall begin anew with the determination of application completeness review. The submittal of a new preliminary plat after the original application shall initiate a re-starting of the calendar of deadlines (for the applicant and for the Town) for the approval process for the Preliminary Plat in compliance with GMC 17.20.30.

(2) Upon a determination of completeness of the preliminary plat, the Town shall transmit copies by electronic mail to: the Grand Fire Protection District No. 1, the Granby Sanitation District, XCEL Energy, Mountain Parks Electric, Inc., Grand County Planning, Grand County EMS, East Grand School District, the Colorado Department of Transportation and any other agency or individual that the Planning Commission, in its sole discretion, may designate. Such agencies shall be required to make written recommendations within 10 calendar days from receipt. Failure to make recommendations within the prescribed period may be deemed an approval of the preliminary plat.

(3) The Director of Community Development or their designee shall review the substance of the application and shall issue a unified written response of issues of concern for the applicant.

(i) The Director of Community Development or their designee shall issue a written, unified response to the applicant regarding the substance of the application within 14 calendar days.

(ii) The applicant shall then submit responses to the written, unified response from the Director of Community Development or their designee within 30 calendar days of the receipt of the written, unified response.

(iii) If the applicant fails to submit responses to the written, unified response from the Town within 30 calendar days, the applicant shall be deemed as withdrawn, and the applicant must begin the Preliminary Plat approval process anew. The Town Manager or their designee may grant a one-time extension request of this deadline, of no greater than 30 calendar days.

(iv) Following receipt of the responses from the applicant to the written, unified response from the applicant, the Director of Community Development or their designee shall issue a confirmation that the submittal serves as a satisfactory design response within 14 calendar days.

(v) The Town Clerk shall not establish the date of hearing with the Planning Commission for the application until the end of the 14 calendar day response time identified in GMC 17.20.30, b, (4)

(vi) The Town Clerk shall establish the date of hearing with the Planning Commission for the application to occur no less than 30 calendar days after the date the Town issues a confirmation that the submittal serves as a satisfactory design response.

(vii) The Director of Community Development or their designee shall issue a unified staff report to the Planning Commission and the staff report shall recommend either an "approval" or "denial" of the application.

(4) The Planning Commission shall review the preliminary plat for compliance with these regulations and negotiate with the applicant on the type and extent of improvements to be installed and on modifications deemed advisable.

(i) The Planning Commission shall hold a hearing at its next regularly scheduled meeting, provided it is at least 30 days from the date of the determination of completeness, and inform the applicant of its approval or disapproval, stating the conditions of approval, if any, or if disapproval, stating the reasons therefor. Any preliminary plat as submitted shall contain the name and address of the person to whom notice of hearing shall be sent. The town clerk shall send notice of the time and place of such hearing to said address by certified/return receipt mail not less than seven days before the date fixed therefor. The applicant shall mail a similar notice by certified mail not less than seven days before the date fixed therefor to the surface owners, mineral owners and lessees of mineral rights and owners of land within 300 feet of the parcel property line as their names appear upon the plats or records in the Grand County clerk and recorder's office and as their most recent addresses may appear in a telephone or other directory of general use in the town or in the tax records of the Town or Grand County. The applicant shall provide to the town clerk or their designee proof of mailing by the applicant of

the notice to the appropriate surface owners, mineral owners and lessees of mineral rights, and owners of land within 300 feet of the parcel property line as their names appear upon the plats and records in the Grand County clerk and recorder's office, within two business days of the date of mailing of the notice.

(5) Conditional approval of the preliminary plat shall be deemed a tentative expression of approval of the general layout as submitted or modified, pending approval of the final plat.

e) Review process for final plats

(1) Completeness Review.

(i) The Town or its authorized agent or designee shall determine whether the final plat submittal is complete based on compliance with the submittal requirements herein. Completeness review shall take place within 10 calendar days of submittal to the Town at which time the Director of Community Development or their designee will make one of the following determinations:

(1) Submittal Is Not Complete. If the submittal is not complete, the Director of Community Development or their designee shall inform the applicant of the deficiencies in writing and shall take no further action on the submittal until the deficiencies are remedied. If the applicant fails to correct the deficiencies and resubmit the application within 60 calendar days, the submittal shall be considered withdrawn. The resubmission of an application following the determination that an application is Not Complete shall result in a subsequent Completeness Review period (10 calendar days).

(2) Submittal Is Complete. If the submittal is complete, the Director of Community Development or their designee shall certify it as complete and provide written notice to the applicant including the date of determination of completeness. The town clerk shall submit the final plat to the Planning Commission for consideration at the first regularly scheduled meeting of the Planning Commission that is at least 30 calendar days after confirmation by the Town of the adequacy of the applicant's design (see Section 17.20.40.030 (e)).

(2) Upon a determination of completeness of the final plat, the Director of Community Development or their designee shall transmit copies by electronic mail to: the Grand Fire Protection District No. 1, the Granby Sanitation District, XCEL Energy, Mountain Parks Electric, Inc., Grand County Planning, Grand County EMS, East Grand School District, the Colorado Department of Transportation, and any other agency or individual that the Planning Commission, in its sole discretion, may designate. Such agencies shall be required to make written recommendations within 10 calendar days from receipt. Failure to make recommendations within the prescribed period may be deemed an approval of the final plat. The Planning Commission shall not be obligated to transmit copies of a final plat to other agencies as

provided in this subsection if the final plat is submitted within 12 months of the approval of the preliminary plat.

(3) The final plat as submitted shall conform substantially to the preliminary plat as approved and may constitute only that portion of the approved preliminary plat which the applicant proposes to record and develop at the time. The final plat shall be accompanied by the final Site Plan for the property in the event the applicant anticipates that development will move forward within the next year (365 calendar days) of the date of the Final Plat application. A final plat application that does not address all conditions of the preliminary plat submittal shall be immediately deemed incomplete.

(4) The Planning Commission shall also see that the same notice requirements as dictated in GMC 17.20.40.030(d) are complied with.

(5) Review of Application Content (Final Plats)

The Director of Community Development or their designee shall review the substance of applications deemed complete and shall issue a unified written response concerning issues of concern for the applicant.

(i) The Director of Community Development or their designee shall issue a written, unified response to the applicant regarding the substance of the application within 14 calendar days.

(ii) The applicant shall then submit responses to the written, unified response from the Director of Community Development or their designee within 30 calendar days of the receipt of the written, unified response.

(iii) If the applicant fails to submit responses to the written, unified response from the Director of Community Development or their designee within 30 calendar days, the applicant shall be deemed as withdrawn, and the applicant must begin the Final Plat approval process anew. The Town Manager or their designee may grant a one-time extension request of this deadline, of no greater than 30 calendar days.

(iv) Following receipt of the responses from the applicant to the written, unified response from the applicant, the Director of Community Development or their designee shall issue a confirmation that the submittal serves as a satisfactory design response within 14 calendar days.

(v) The Director of Community Development or their designee shall issue a unified staff report to the Planning Commission and the staff report shall recommend either an “approval” or “denial” of the application.

6) Approval of Final Plats

The final plat shall be processed as follows:

(i) The Planning Commission shall review the final plat for conformity with the approved preliminary plat, the statement of requirements and other requirements of these regulations. The Planning Commission may recommend approval, approval with conditions or disapproval of the final plat at such meeting or, with approval of the applicant, may defer its decision until the next meeting of the Planning Commission. If the Planning Commission shall disapprove the final plat, it shall prepare or cause to be prepared by staff a written statement of defects, setting forth all of its reasons for recommending disapproval. Such statement of defects shall be signed by the chairman or vice-chairman of the Planning Commission.

(ii) Following a recommendation of approval or disapproval of the final plat by the Planning Commission, the town clerk shall retain the plat, together with all supplemental documents for presentation to the Board of Trustees at its next meeting that is at least two weeks after the date of the Planning Commission's recommendation. The Board of Trustees shall check the final plat, especially with regard to required improvements and the acceptance of areas dedicated for public use, and shall approve or disapprove the final plat. At such meeting, the required guarantees of completion of the roads and improvements shall be provided by the applicant.

(iii) If all required improvements have not been completed or guarantees of completion submitted and approved by the Planning Commission or the Board of Trustees, the plat shall be retained by the town clerk pending such completion of guarantees.

(iv) No changes, erasures, modifications or revisions shall be made in a final plat after approval has been given by the Planning Commission, except upon further consideration by the Planning Commission, and its permission being given. Following approval of the final plat by the Board of Trustees and the fulfillment of the required conditions for approval, the town clerk shall cause to be recorded the final plat and restrictive covenants in the office of the clerk and recorder of Grand County. The applicant shall provide the town clerk with one complete mylar set and associated written documents and advance all recording fees and costs associated with obtaining the required number of 24-inch by 36-inch copies of all recorded plats and documents and an electronic version of said plat documents. Failure of an applicant to meet all conditions of approval for a final plat and have the plat duly recorded within six months of the Board of Trustees' approval shall result in the automatic withdrawal and termination of approval. In such an instance, the applicant must initiate a new application for plat approval.

(7) All applicants shall resolve all conditions of the final plat and pay in full all fees and associated reimbursement charges to the Town of Granby prior to the issuance of any building permits.

(8) All applicants shall report all sales of parcels of land and subdivision of lots by contract or otherwise to the commission twice a year; on or before June 1st and on or before December 1st.

(9) In the event a subsequent submittal consisting of a revised final plat is made after the original submittal, such submittal shall be considered new and the process shall restart with the completeness review and calendar of deadlines.

17.55.060 Improvement security.

(a) The Planning Commission and the Board of Trustees may require security to be posted by the applicant which shall consist of one or more arrangements which the Board of Trustees shall accept to secure the actual cost of construction of such on- and off-site public improvements as are required by the ordinances of the Town. The improvement security may include any one or a combination of the type of security or collateral listed in this paragraph, and the applicant may substitute security acceptable to the Town in order to release portions of the project for sale. The types of collateral which may be used as security are as follows:

- (1) Restrictions on the conveyances, sale or transfer of any unit within the project as set forth on the final plat or on a separate recorded document;
- (2) Performance or property bond;
- (3) Private or public escrow agreement;
- (4) Loan commitment;
- (5) Assignment of receivables;
- (6) Liens on property;
- (7) Letters of credit;
- (8) Deposits of security funds; and
- (9) Other similar surety agreements.

The type of security used in connection with any application shall be subject to approval by the Board of Trustees.

(b) Security other than sale restrictions required under the improvement security shall equal in value the cost of the improvements to be completed plus 15 percent. The amount of security may be incrementally reduced as subdivision or condominium improvements are completed.

17.55.070 Condominium and minor condominium conversions – As-built map preparation.

(a) In the case of a condominium and minor condominium conversions, after the final plat has been approved and prior to the transfer of any unit, the developer of the condominium shall prepare a map which shows graphically and dimensionally the subdivision of buildings into volumetric spaces and the relationship of these spaces with the boundaries of the site and other appurtenances on the site. The condominium map shall be submitted to the Town and compared with the original subdivision plat. When the Town is satisfied that the proper dedications have been made, that all owners and interest holders and the registered land surveyors have properly certified their approvals, and that all of the requirements of this chapter are met, he shall so certify to the Planning Commission and the mayor who shall so certify on behalf of the Town. The Town shall then have the condominium map along with appropriate documents recorded with the applicant paying all costs of recording. The as-built condominium map shall be drawn to the same specification as the final plat and shall show:

- (1) The name of the condominium project and the general location;
- (2) The boundaries of the site and the description and position of the monuments marking the boundaries;
- (3) The origin of the vertical datum plane and the benchmarks on the site, together with relative elevations tied to sea level elevations which logically mark the datum plane;
- (4) The horizontal positions of each condominium element on the surface of the site;
- (5) Sufficient plan and section drawings to completely define the positions of those various volumetric spaces within the inside walls and roof which are referred to in the declaration;
- (6) The numerical designation of the individual units which will be specifically referred to in deeds to the owners of the condominium;
- (7) The identification of all areas on the site as general common elements, limited common elements, the units themselves, or other reserved areas.

(b) The as-built map shall also include:

- (1) Notes containing any peculiarities;
- (2) Legal descriptions of the site and/or descriptions of portions of the site;
- (3) The location of all utilities (i.e., service lines, feeder lines and mains) as constructed within the site.

(c) At the time the as-built map is delivered to the Town the applicant shall also provide:

(1) A complete list of all incomplete elements of the structure and property as required by Town of Granby Code including but not limited to parking, landscaping and building code requirements particularly in the case of condominium conversions.

(2) An engineer's or qualified contractor's estimate of the cost of completing all incomplete elements.