



SECTION 13

TERMS AND DEFINITIONS

Note 1: Definitions not included in this Section 13 or in the Restated Agreement, shall be in accordance with the Municipal Code, unless said definitions are in conflict or inconsistent with the provisions of the GDP and/or the Restated Agreement.

Note 2: The words and phrases in this Section 13, when used in the GDP, shall have the meanings set forth in this section, except where the context indicates otherwise.

“Accessory Building” or “Accessory Use” means a structure or use on a parcel that is secondary in nature to the Primary Structure or use, for example, a detached garage next to a residence or the retail sales of promotional clothing in conjunction with an eating and drinking establishment or public parking lots, pump stations, meter stations, maintenance facilities and landscape compounds, etc., together with the related primary uses. Indoor accessory uses are those uses (i.e. cafeteria, office) that occupy 10 percent or less of the gross square footage of the structure. If an indoor use occupies more than 10 percent of the gross square footage of the structure it shall be evaluated separate from the Primary Use for parking and other amenities.

“ACF Regulations” means the provisions of the Municipal Code relating to adequate community facilities as now existing in Chapter 16.41 and which are found at Exhibit A of the Restated Agreement.

“Administrative Review” means the approved processes for the review of Development Projects for

Uses-by-Right as defined in Section 12.2.2A.1 of the Regulatory Procedures.

“Adult Day/Respite Care Facilities” means nonresidential facilities providing for the care, supervision, protection and social activities of persons over eighteen (18+) years of age during normal daytime working hours and allowing overnight stay on a short-term basis as a subordinate function.

“Agricultural Activity” or “Agriculture” means farming, including plowing, tillage, cropping, installation of best management practices, seeding, cultivating or harvesting for the production of food or fiber products (except commercial logging and timber harvesting operations); the grazing or raising of livestock (except in feedlots); aquaculture; sod production; orchards; Christmas tree plantations; nurseries; and the cultivation of products as part of a recognized commercial enterprise provided such activities do not include a retail component.

“Airport” means the Fort Collins-Loveland Municipal Airport.

“Airport Influence Area” means those areas depicted on the maps in Section 11 of the GDP, which areas are within the Airport Influence Area of the Airport depicted on Figure 4.6.C. of the City of Loveland Comprehensive Master Plan dated October 18, 1994 as amended on February 18, 2003, which was the latest amendment thereto at the time the Restated Agreement was approved. The boundaries of the Airport Influence Area depicted on the maps in Section 11 of the GDP were approved by the Restated Agreement effective July 11, 2006 and such boundaries serve as the basis for Special Conditions applicable to certain GDP parcels or Subparcels because of their proximity to the Airport.

“Airport Lines” mean the noise contours and the boundaries of the runway protection zone and critical zone approved by the FAA in the 2006 Master Plan Update for the Airport and depicted on the maps in Section 11 of the GDP, but specifically do not include the boundaries of the Airport Influence Area. The Airport Lines shall be applicable to all parcels and Subparcels of the GDP.

“Airport Master Plan” means the May, 1993 Airport Master Plan Update for the Airport.

“Alley” means a minor way used primarily for vehicular service access to the back or side of properties abutting on a street, or in some cases properties fronting on an open space area with a connecting walkway.

“Alzheimers Facilities” means residential facilities specifically designed to care for people with dementia.

"Ancillary Dwelling Unit" means a Dwelling Unit located on the same Lot, either attached or detached, with another Single Family Attached Dwelling or Single Family Detached Dwelling, and in common ownership with the Primary Use or residence on the Lot. Ancillary Dwelling Units shall contain more than 1050 square feet.

“Animal Clinic Small Indoor Use” means any facility maintained by or for the uses of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases wherein the animals are limited to dogs, cats, or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

“Animal Clinic Small Outdoor Use” means any facility, with an enclosed fenced outdoor area for use by the animals adjoining the facility, maintained by or for the uses of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases wherein the animals are limited to dogs, cats, or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

"Antenna" means any exterior apparatus or apparatuses designed for telephonic, radio, data, Internet or television communications through the sending and/or receiving of electromagnetic waves including equipment attached to a tower or building for the purpose of providing personal wireless services including, for example, "cellular," "enhanced specialized mobile radio" and "personal communications services" telecommunications services, and its attendant base station. For purposes of this chapter, the term "antenna" shall not include an antenna used by an amateur radio operator or "ham" operator, nor an exterior antenna or satellite dish used for the private or non-commercial reception of television or radio signals.

"Appeal" means a request for a review of an administrative decision of the Director or a decision of the Planning Commission. Appeal procedures are outlined in the Regulatory Procedures.

"Applicant" means the owner of a building site or an owner's authorized representative for the purpose of making application for approval of a Development Project to the Centerra DRC or the City.

“Architectural Articulation” means a manner of joining walls that makes the united parts clear distinct and precise in relation to each other. This may



include recesses, projections, and other elements that produce undulations designed to discourage flat planes.

“Assisted Living Facilities” means residences for seniors that provide a range of services including room, board and at least the following: personal services, protective oversight, social care and regular supervision available on a 24-hour basis.

“Auto Dealership” means an establishment primarily engaged in the sale, rental, service, repair, storage or salvage of automobiles and trucks.

“Avigation Easement” means the conveyance of a specified property interest in the airspace over real property in the form set forth as Attachment No. 1 to Appendix 3-1 and Appendix 4-1 of the GDP.

“Bay” or “Building Bay” means a wall plane projection or recess that forms an articulated wall surface on a building elevation, and that can be formed by pilasters, columns or other vertical elements such as a group of windows. Building Bay does not mean a service bay for autos or trucks and does not mean a bay window.

“Bed and Breakfast Establishments” means lodging facilities, typically restricted to 3-8 rooms, with the proprietor residing on the premises.

“Boarding Houses or Rooming Houses” means a Building or portion thereof which is used to accommodate, for compensation, three or more boarders or roomers, not including members of the occupant’s immediate family who might be occupying such Building.

“Boundary Line Adjustment” means the relocation or adjustment of a Lot line, which meets the applicable requirements of the GDP and the Municipal Code.

“Building” means any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind and includes both the main portion of a structure built for permanent use, as well as all projections and extensions thereof. Such projections and extensions include, but are not limited to, garages, outside platforms and docks, carports, canopies, enclosed malls, and porches. Buildings have the following characteristics:

- Is permanently affixed to the land;
- Has one (1) or more floors and a roof; and
- Is bounded by either open space or the Lot lines of a Lot.

“Building Code” means the International Building Code as adopted by the City pursuant to Chapter 15.08 of the Municipal Code and any amendments thereto.

“Building Coverage” means the actual “footprint” of all buildings on the Lot at grade or at plaza level. Building Coverage is measured to the exterior faces of building walls. Lot areas covered by plazas, pedestrian malls, and/or landscaping shall not constitute Building Coverage. Similarly, building area situated over plazas, pedestrian malls, or landscaping shall constitute Building Coverage.

“Building Frontage” means that side of a Building that faces and is parallel to or most nearly parallel to a public or private street. The length of the frontage

is determined by measuring along the outside walls of the Building.

“Building Height”. When measured in feet, Building Height refers to the vertical distance between the average finished grade at the base of the building or structure (see below) and: 1) the highest point of the coping of a flat roof; 2) the deck line of a mansard roof; or 3) the average height level between the eaves and ridge line of a gable, hip or gambrel roof, or the highest point of a curved roof. In the case of fences or walls, Building Height shall be measured on the side with the least vertical exposure above finished grade to the top of the fence or wall. For the purpose of this definition “ground surface” shall include sidewalks, and “finished grade” as a point of measure shall mean either of the following, whichever yields a greater height of building or structure.

- The elevation of the highest ground surface within a five foot horizontal distance from the exterior wall of the Building, when there is less than a ten foot difference between the highest and lowest ground surface within a five foot horizontal distance from said wall.
- An elevation ten feet higher than the lowest ground surface within a five foot horizontal distance from the exterior wall of the Building, when there is greater than a ten foot difference between the highest and lowest ground surface within a five foot horizontal distance from said wall.

The following structures and features shall not be considered when calculating Building Height measured in feet under this definition:

- Chimneys, smokestacks or flues that cover no more than five percent of the horizontal surface area of the roof;

- Cooling towers and ventilators that cover no more than five percent of the horizontal surface area of the roof;
- Elevator bulkheads and stairway enclosures;
- Fire towers;
- Utility poles and support structures;
- Belfries, spires and steeples;
- Monuments and ornamental towers.
- The upper story of a building, if the floor area of that story does not exceed 20% of the area of the Building footprint, may exceed the otherwise required Building Height by up to 15’.

“Business Park Uses” means that list of specific uses set forth at Section 1.3.8 of the GDP.

“Call Center” means a central place where customer and other telephone calls are handled by an organization, usually with some amount of computer automation. Typically, a call center has the ability to handle a considerable volume of calls at the same time, to screen calls and forward them to someone qualified to handle them, and to log calls. Call Centers are used by mail-order catalog organizations, telemarketing companies, computer product help desks, and any large organization that uses the telephone to sell or service products and services.

“CDOT” means the Colorado Department of Transportation.

“CEF” means those capital expansion fees imposed on development by the City for the purpose of funding growth-related capital costs pursuant to the Municipal Code.



"Center" in a MUN refers to an activity node that typically serves as a focal point or community gathering site, and may take the form of a park, village green, plaza, garden, or an Urban Character Village as described in Section 9.5.9. See MUN.

"Centerra DRC" means the Centerra Design Review Committee, a private committee created for the purpose, among others, of evaluating Development Projects within the GDP, for compliance with the GDP and the private design standards adopted by the Centerra DRC.

"City" means the city of Loveland, Colorado, or the area within the territorial limits of the city of Loveland, Colorado.

"City Attorney" means the city attorney appointed by the City Council or that person's designee.

"City Council" means the body constituting the city council of the City.

"City Engineer" means the engineering manager of the City's Department of Public Works or that person's designee.

"City Manager" means the duly appointed manager of the City or that person's designee.

"Clubs and Lodges" means organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics, or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, excluding clubs operated for profit and/or places of worship or assembly.

"Co-Housing" shall mean a residential area, to be owned partially or completely as a cooperative by the residents, designed as a cohesive unit with shared common facilities.

"Common Areas" means that real property, if any, shown on any present or subsequently recorded plat of the property or buildings that are intended to be devoted to the common use and enjoyment of the owners and occupants of the GDP. Such common areas may include, but are not limited to, private access easements, utility easements, drainage easements, open space, private drives, lawns, sidewalks, landscaping, exercise paths, street furniture, green belt structures, and recreational and athletic facilities.

"Community Facilities" means public, private, or private nonprofit facilities which are primarily intended to serve the recreational, educational, cultural or entertainment needs of a neighborhood or the community as a whole, and/or capital improvements including, but not limited to facilities for providing necessary urban services. The term Community Facilities shall include community parks, schools and golf courses and may also include neighborhood parks, trails, natural areas, environmental centers, open spaces, wetlands or similar types of uses.

"Compatible" means harmonious or visually pleasing with another object. Compatible does not mean the same, matching or equal.

"Complete Application" means and refers to an application for a Development Project which complies with the requirements of Section 12.3.2.

“Conference / Convention Center” means a facility used for business or professional conferences and seminars, often with accommodations for sleeping, eating and recreation.

“Congregate Care Facilities” means facilities for seniors that combine private living quarters with centralized dining services, shared living spaces, and access to social and recreational activities. Many congregate care facilities offer transportation services, personal care services, rehabilitative services, spiritual programs, and other support services.

“Congregate Care Housing Developments” means multiple-unit housing buildings (private rooms or full apartments) for seniors that integrate private living units with the availability of optional congregate meals, socialization activities, and a range of non-health-related supportive assistance such as housekeeping, counseling and transportation.

“Context Diagram” means a map or plan accompanying a proposed Development Project that illustrates the existing and proposed development surrounding the proposed Development Project as described in Sections 6 and 9 of the GDP.

“Continuing Care Retirement Communities” means multiple-living style complexes for seniors that include independent living units (apartments and/or cottages), social activities, congregate meals, supportive assistance and personal care on one campus. Assisted Living Facilities and Nursing Care Facilities may also be included within the same campus.

“Controlling Documents” means collectively the Restated Agreement and the GDP, including, but not

limited to, the Special Conditions, the General Conditions and the Performance Standards.

“Convenience Store” means a retail establishment whose principal business is the retail sale of gasoline and other petroleum products, as well as the accessory sales of food items and other consumable goods, and where the floor area devoted to the display and sales of non-petroleum products exceeds four hundred (400) square feet.

"Corporate and Professional Offices " means single Building sites as well as "corporate campuses" consisting of multiple Buildings for single and multi-tenant office users with uses that include, but are not limited, to a mix of headquarters or branch offices, research and development facilities, laboratory facilities and manufacturing and distribution facilities and Accessory Uses to these facilities which may include, but are not limited to, cafeterias, delicatessens, private health clubs and day care facilities.

"County" means the County of Larimer, Colorado.

“Current Planning Manager” means the manager of the City’s Current Planning Division or that person’s designee.

“Days” shall mean calendar days unless otherwise specifically noted.

"Density" is a measure of the intensity of development in terms of the number of dwelling units per acre of land.

“Developer” means McWhinney Real Estate Services, Inc., a Colorado corporation.



"Development" means any man made change to improved or unimproved real estate, including but not limited to, construction of Buildings and other structures, mining, dredging, filling, grading, paving, excavation and drilling operations.

"Development Project" means and refers to any application for development within the GDP including, but not limited to, applications for building permits, changes of use, Type 1 Zoning Permits, Type 2 Zoning Permits, Site Development Plans, Sign Permits, plans containing Uses-by-Right or Special Review Uses, Boundary Line Adjustments, lot mergers, Minor Subdivision plats, combined Preliminary Plats and Final Plats and Final Plats.

"Director" means the City's Director of Development Services or that person's designee.

"Double Frontage Lot" means any lot which abuts two or more streets other than a corner lot, which abuts two intersecting streets.

"Duplex" – See definition for Single Family Attached Dwelling.

"Dwelling Unit" means one or more rooms, including kitchen facilities or kitchen area (kitchen does not need to be a separate room but will include, at a minimum, a sink, stove and refrigerator), and at least one bathroom, designed, occupied or intended for occupancy as separate quarters for the use of a family for living, cooking and sanitary purposes, located in a Single Family Detached Dwelling, Single Family Attached Dwelling, Patio Home/Zero Lot Line Home or Multi-Family Dwelling, Live/Work Structure or mixed use building. The term Dwelling Unit shall not include Hotels, Motels, tents or other struc-

tures designed or used primarily for temporary occupancy. Any Dwelling Unit except Ancillary Dwelling Units shall be deemed to be the Principal Use or building.

"Edges" in a MUN means the elements that define the perceived limits of the larger neighborhood. Edges may be formed by perimeter arterial landscape treatment, lakefront areas, storm drainage facilities, certain collector (or other) streets, and/or Open Space corridors. Strategically placed public uses such as parks and school sites may function as both centers and edges. Edges between adjacent residential neighborhoods need not be rigidly defined. See MUN.

"Employees" means the total number of persons reasonably anticipated to be employed in a Building or on land during normal periods of use. This includes employees having overlapping work shifts.

"Entertainment Facilities and Theaters" means a Building, Buildings or parts thereof devoted to showing motion pictures or dramatic, musical or live performances.

"Environmental Entities" means and includes the HPF and the HPEC.

"Environmentally Sensitive Area" or "Environmentally Sensitive Areas" means and refers to those areas identified in the Environmentally Sensitive Areas Reports applicable to the Subparcels of the GDP.

"Environmentally Sensitive Areas Report" or "ESAR" means and refers to a report prepared by a qualified biologist, which identifies Environmentally Sensitive Areas within a property and recom-

mends mitigation measures for development purposes. ESAR's applicable to the Subparcels of the GDP are listed in Sections 2 through 5. A copy of each ESAR is included in Section 14.

"Extended Stay Housing" means Dwelling Units intended to be rented/leased for periods of up to six months.

"Extent Feasible" or "Extent Practicable" or "Extent Possible" means that, under the circumstances, reasonable efforts have been undertaken to comply with the standards, that the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize potential harm or adverse impacts resulting from noncompliance with the standard.

"FAA" means the Federal Aviation Administration.

"FHWA" means the Federal Highway Administration.

"Final Plat" means the plat of certain described land prepared in accordance with the requirements of the Municipal Code, as an instrument for recording real estate interests in the Larimer County Records. The final plat shall serve as the "plat" for purposes of C.R.S. § 31-23-215.

"Flex Office/R&D/Industrial/Warehouse" means a Building where a portion of the Building area is devoted to office uses that support the principal industrial, warehouse and/or R&D use, and/or a portion of the Building area devoted to inventory, fabrication, research or distribution.

"Floor Area Ratio" or "FAR" means the gross floor area of all Buildings or structures on a Lot divided by the Lot area, expressed as a ratio.

"Floor Area" means the gross area of the Building measured along the outside wall of the Building including each floor level and interior balconies, but excluding garages and enclosed automobile parking areas; exterior unenclosed balconies; basements; and one half the area for storage and display area in commercial uses for hard goods.

"Front Lot Line" means the property line dividing a Lot from a street except Lots bordered by more than one street or Lots that front an open space with a connecting walk. On Lots bordered by more than one street, the building official shall determine the Front Lot Line requirements, subject to the following limitations:

- At least one Front Lot Line shall be established creating one front yard Setback as required generally in the GDP.
- Any other yard area abutting on a street shall have a minimum corner Setback as required in the GDP.

"General Condition" or "General Conditions" means and refers to those conditions of development which are applicable to all Development Projects within the GDP in accordance with the Controlling Documents and are which set forth in Appendix 1-1 to Section 1 of the GDP.

"General Offices" means offices for professional use such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, or others who through training are



qualified to perform services of a professional nature and where no storage or sale of merchandise is conducted.

“GDP” means the Millennium General Development Plan – Fifth Amendment and Restatement and all amendments thereto.

“Grocery Store” means a retail establishment primarily selling food, as well as other convenience and household goods.

“Gross Acreage” means the total area within a parcel, typically measured to the centerline of adjacent streets, which includes any public dedications for parks, schools or other public use.

“Gross Density” means the number of Dwelling Units per gross acre of land.

“Group Homes / Group Care Facilities” means residences or facilities licensed by or operated by a governmental agency, and specifically including State licensed foster care homes, for the purpose of providing special care or rehabilitation due to homelessness, physical condition or illness, mental condition or illness, elderly age or social, behavioral or disciplinary problems, provided that authorized supervisory personnel are present on the premises.

“Health and Fitness Clubs” means organizations of persons for special purposes or for the promulgation of sports, fitness, recreation, arts, politics or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings.

“Heavy Commercial Uses” means those uses set forth in Section 1.3.4 of the GDP.

“Heavy Industrial Uses” means those uses set forth in Section 1.3.7 of the GDP.

“Heavy Manufacturing” means manufacturing that is engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, petrochemical and rubber refining, primary metal mining or similar uses.

“HPEC” means the High Plains Environmental Center, a Colorado nonprofit corporation, or any successor thereto.

“HPF” means the High Plains Foundation, a Colorado nonprofit corporation, or any successor thereto.

“Hotel” and “Motel” means a Building designed for temporary occupancy in which there are ten or more guest rooms and in which no provision is made for cooking in any individual room or suite. A motel or hotel room or suite which includes cooking facilities shall be considered a dwelling unit.

“Housing Type” shall mean the various types of residential development including, but not limited to, Single Family Attached Dwellings, Single Family Detached Dwellings, Townhomes, Condominiums, Patio Homes, Zero Lot Line Homes, Multi-Family Dwellings, apartments, Mixed Use Residential, Live/Work Structures, Co-Housing, Senior House of a Residential Nature and Extended Stay Housing.

“I-25” means Interstate Highway No. 25.

"Immediate Neighborhood" means a cohesive sub-area of a MUN which is typically comprised of one or two (or sometimes more) housing types, possibly with compatible supporting non-residential uses; have related architectural character; and are usually between eight and thirty acres in size. See MUN.

"Improvements" include, but are not limited to, any and all buildings, out-buildings, roads, driveways, parking areas, fences, screening walls, retaining walls, loading areas, signs, utilities, lawns, lighting, landscaping, and walkways, including all those located on building sites and common areas, as well as any construction, work, or treatment done or applied to any of the property in connection therewith.

"In-Line Retail" means attached retail stores.

"Independent Living Communities" means communities for seniors that include Single-Family Detached Dwellings, Single-Family Attached Dwellings, condominiums, and/or apartments where the residents maintain an independent lifestyle.

"Indoor Recreation Use" means exercise and athletic facilities, and amusement and recreational services, such as billiard and pool parlors, dance studios, martial art schools, and arts and crafts studios, but not including bowling alleys or establishments which have large-scale gymnasium-type facilities for such activities as tennis, roller or ice skating, and/or competitive swimming.

"Infrastructure" means those man-made structures which serve the common needs of the population, such as: potable water systems, potable water wells serving a system, non-potable water systems for irrigation; waste water disposal systems, solid waste

disposal sites or retention areas; storm drainage systems; utilities; bridges; roadways; bicycle paths and trails; pedestrian sidewalks, paths and trails.

"Institutional/Civic/Public Uses" means those uses set forth in Section 1.3.1 of the GDP.

"Landscaping" or "Landscaped" means any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grassed, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. Landscaping shall also include irrigation systems, mulches, topsoil use, soil preparation, re-vegetation or the preservation, protection and replacement of existing trees.

"Larimer County Records" means the records of the Clerk and Recorder of Larimer County, Colorado.

"LCUASS" means the Larimer County Urban Area Street Standards adopted by the City, and all amendments thereto.

"Level of Service" means the level of service standards as defined in the Municipal Code.

"Light Commercial Uses" means those uses listed in Section 1.3.3 of the GDP.

"Light Industrial Uses" means those uses listed in Section 1.3.6 of the GDP.

"Light Manufacturing" means manufacturing that is predominantly from previously prepared materials, of finished products or parts, including processing,



fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products provided all manufacturing activities are contained within a building.

“Live / Work Structure” means a Building incorporating a Dwelling Unit with a first floor (and possibly second-floor) retail, office, or other non-residential use allowed as a part of an Urban Character village in a MUN or as part of a residential neighborhood not within a MUN.

"Lot" means a portion of a subdivision intended as a unit for transfer of ownership or for development, which has access to a public right-of-way.

“LURA” shall mean the Loveland Urban Renewal Authority.

"Major Subdivision" or “Subdivision” means all subdivisions not falling within the definition of a Minor Subdivision, and which are not Boundary Line Adjustments or lot mergers. Except where otherwise specified or where the context requires otherwise, the term subdivision as used herein shall mean Major Subdivision.

“Master Plan” means the City’s master plan for the physical development of the City entitled *Create Loveland* adopted on July 19, 2016 by Resolution #R-65-2016, and all amendments thereto.

“Maximum Extent Feasible” means that no feasible and prudent alternative exists, and all possible efforts to comply with the standard or minimize potential harm or adverse impacts have been undertaken.

“May” when used, will be given its permissive meaning.

“Metropolitan District” includes all existing and future metropolitan districts within the GDP, but not limited to, the Centerra Metropolitan Districts and the Van deWater Metropolitan Districts.

“MFA” means the Centerra Master Financing and Intergovernmental Agreement by and among the City, the LURA, Centerra Properties West, LLC, the Centerra Metropolitan District No. 1, The Centerra Public Improvement Collection Corporation and The Centerra Public Improvement Development Corporation dated January 20, 2004 and on file with the City.

“MFA Commercial Area” means that real property legally described on Exhibit “B” to the MFA, subject to addition of future inclusions and deletion of future exclusions approved by the City Council. The MFA Commercial Area is the same as the area included in the Centerra Metropolitan District No. 2 and the area subject to The US 34/Crossroads Corridor Renewal Plan.

"Minor Subdivision" means the division of land into no more than four additional lots, as defined in Chapter 16.08 of the Municipal Code.

“Mixed Use Residential” means residential uses located in the same Building with non-residential uses.

“Mixed Use Residential Building” means a Building containing Mixed Use Residential uses in which the floor area of the non-residential uses shall be reasonably equivalent to, or greater than, the floor area of the first floor of such Building, exclusive of

any parking floor area located on the first floor of the Building.

“Mixed Use Structure” means a Building intended to house multiple tenants of varying uses, such as retail, office, and/or residential. Mixed Use Structures accommodate residential and non-residential uses as distinct tenants rather than being designed to allow individual tenants to mix residential uses with non-residential uses in a single lease space as is the case with Live/Work Structures.

“Mixed Use Village Center” means a concentration of development that provides a combination of uses in the same general area of a community and/or within a single Building. For example, a mixed-use Building could have several floors. On the bottom floor, the space could be dedicated to retail or offices. The remaining floors could be apartments or condominiums. Another example would be a retail district that is closely related to offices, Multi-Family Dwellings and Single Family Attached Dwellings, with each use located within separate structures creating a dense urban concentration.

“Multi-Family Dwelling” means a Building or lot with six or more separate Dwelling Units, two stories or more in Height located on a single Lot. The units may be sold as condominiums or cooperatives, or for rental as apartments. A Multi-Family Dwelling does not include Single Family Attached Dwellings, Townhomes, Hotels, Motels, or Live/Work Structures.

“MUN” means a residential mixed-use neighborhood which is a residential area – typically of 50 to 160 acres - comprising one or more interconnected Immediate Neighborhoods designed to be served with a common collector street system, and typically

having identifiable edges and one or more Centers within walking distance (1650'±) of most neighborhood residents. In this context an Immediate Neighborhood is a cohesive sub-area within a mixed-use neighborhood frequently (but not always) made up of one or two housing types. Edges are elements such as major streets, open space corridors, lakes, or other geographic features that define the perceived limits of the larger neighborhood. Centers serve as focal points or community gathering sites, and may include parks, village greens, plazas, gardens, or Urban Character Villages.

“Municipal Code” means the City of Loveland Municipal Code, as amended from time to time.

“Must” means compliance is mandatory, unless the context requires otherwise.

“Neighborhood Support / Recreational Facilities” means recreation / pool facilities and/or meeting rooms intended for the use and enjoyment of residents and guests of the adjacent neighborhood.

"Net Acre" means the area of developable land of a site, excluding land being dedicated for public rights-of-way or other public uses (i.e., schools, and parks).

"Net Density" means the number of Dwelling Units per net acre of land.

“Non-Residential Environmental Fees” means those HPEC fees imposed at the time of building permit issuance on the square footage of non-residential Buildings in accordance with the applicable Special Conditions.



“Nursing Care Facilities” means health institutions that are planned, organized, operated and maintained to provide facilities and health services with related social care to inpatients who require regular medical care and twenty-four-hour per day nursing services for illness, injury or disability. Nursing Care Facilities may specialize in short term or acute nursing care, intermediate or long term skilled nursing care.

“Open–Air Farmers Market” means a permanent or temporary/seasonal outdoor market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and craft items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site.

“Open Space” means either Private Open Space or Common Open Space, or a combination thereof.

"Open Space, Common" means areas within a Development Project, not included in Lots or golf courses and includes drainageways, active and passive Recreation Spaces including Accessory Uses related to the operation of such facilities such as toilet/locker rooms and parking lots, platted Outlots, landscaped areas, landscaped entries, landscaped roofs, landscaped right- of-ways, lakes, ponds, bikeways, trails, sidewalks, plazas, ditch corridors and other irrigation facilities.

"Open Space, Private" means those areas within each individual Lot not covered by Building, parking or driveways and includes all open areas, drainageways, active and passive Recreation Spaces including related Accessory Uses, all landscaped areas, landscaped entries, landscaped roofs, landscaped islands, lakes, ponds, bikeways, trails, sidewalks,

plazas, courtyards, irrigation facilities, and structural parking covered by plazas. See also Section 6.6 and 6.7.

“Outdoor Storage” means the keeping, in an unroofed area, of equipment, goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours.

“Outdoor Storage, Recreational Vehicles, Boats, and Trucks” means the keeping, in an unroofed area, recreational vehicles, boats and trucks in the same place for more than twenty-four (24) hours.

"Outlot" means a portion of land included in a subdivision that is not intended for development with Buildings containing residential, commercial or industrial uses. It may or may not have public right-of-way access. Common uses include, but are not limited to, easements, recreation gardens, Common Open Space or drainage detention. Nothing herein prevents an Outlot from being further subdivided into smaller Lots provided it meets all City requirements therefor.

“Parking Garage or “Parking Structure” means an off-street parking area within a Building.

“Parking Ratio” means the number of parking spaces required in relation to some measure of development intensity – the number of bedrooms in a Dwelling Unit, number of Dwelling Units, or amount of square footage. With the exception of certain restrictions in Urban Character Villages, the parking ratio requirements in this GDP are minimums. Additional parking may be provided at the developer’s discretion providing other standards are met. Within certain areas of MUNs – as noted in

this GDP – the required parking may include all allowed on street parking on the adjacent side of each surrounding local or collector street.

“Parks and Open Space Uses” means those uses listed in Section 1.3.9 of the GDP.

“Patio Home” means a primarily Single Family Detached Dwelling that is built on or close to the Lot’s outer boundary(s) and having either a small front yard or small back yard. The yard maintenance may or may not be handled by a neighborhood association.

"Performance Standards" means the performance standards contained in Section 6 through 10 of the GDP, which address design considerations including, but not limited to, architectural, site planning, landscaping, streetscape and sign elements for all development within the GDP.

“Personal and Business Service Shops” means shops primarily engaged in providing services generally involving the care of the person or such person’s apparel or rendering services to business establishments such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, employment service, or mailing or copy shops.

"Personal Wireless Services" and "Personal Wireless Service Facilities," means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services and the facilities for the provision of such services, as defined in Title 47, United States Code, Section 332, as amended from time to time.

“Pet Day Care Facility” means a facility providing such services as canine day care for all or part of a day, obedience classes, training, grooming and /or behavioral counseling, provided that overnight boarding is not permitted.

"Planned Capital Improvements" means a capital improvement or an extension or expansion of a capital improvement which does not presently exist, but which is included within a capital improvement program.

“Planned Retail Center” means a retail development containing two or more individual tenants and more than 25,000 gross square feet.

"Planning Commission" means the Planning Commission of the City as duly constituted by law.

"Preliminary Plat" means the plat of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the Regulatory Procedures, for the purpose of reviewing and evaluating the proposal prior to submission of a Final Plat. A preliminary plat is not a plat for purposes of C.R.S. § 31-23-215.

“Principal Structure” or “Primary Structure” means a structure in which is conducted the main or Principal Use of the Lot on which said Building is located.

“Principal Use” or “Primary Use” means the primary or predominant use of any Lot or Tract, as permitted under the GDP.

“Print Shops” means an establishment in which the principal business consists of duplicating and print-



ing services using photocopy, blueprint or offset printing equipment, and may include the collating of booklets and reports.

“Public Facilities” means public transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police and emergency systems, electric utilities, gas utilities, cable facilities or other public facilities.

“Public Use” or “Public Area” means any use intended to be conducted in a facility or upon land which is owned by and operated for public use by school districts or by city, county, state or federal governments.

“Public Review” means the approved processes for the review of Development Projects for Uses-by-Right as defined in Section 12.3.3.A.2 of the Regulatory Procedures.

“Public Works Director” means the director of the City’s Department of Public Works or that person’s designee.

“PVH Agreement” means the PVH Annexation Agreement by and among the City, its Water, Wastewater and Sewer Enterprises, Centerra Office Partners, LLC, Centerra Properties West, LLC, Cloverleaf Development Corporation, Hahn Development Company, LLC, and Poudre Valley Health Care, Inc. dated April 8, 2003 and recorded in the records of the Larimer County Clerk and Recorder on June 3, 2003 at Reception No. 2003-0067059.

“PVH Commercial Area” means that real property depicted and described on Exhibits F-1 and F-2 to the PVH Agreement.

“PVH Project” means the Hospital and Related Facilities as defined in the PVH Agreement to be constructed on the PVH Property.

“PVH Property” means that real property subject to the PVH Agreement and approved for development of the PVH Project, the legal description of which is attached to the PVH Agreement as Exhibits A-2, B and D.

“Recreational Facilities” means structures, or open areas including features and/or equipment specifically intended for recreational use.

“Recreational Space” means space, which is designed for active or passive recreational use for more than three (3) families. This may include indoor spaces: Recreational Facilities or structures and their Accessory Uses located in approved areas, including but not limited to game rooms, swimming pools, gymnasiums, bowling alleys, exercise rooms and tennis and racquetball courts; If the Recreational Space is to be owned an/or maintained by an association, residents of the Development Project for which the facility is planned shall automatically become members without additional charge.

“Regulatory Procedures” means those regulatory procedures set forth in Section 12 of the GDP which define submittal requirements and review processes for Development Projects within the GDP, including but not limited to, processes for Administrative Review and Public Review of Development Projects containing Uses-by-Right, and processes for Special

Review Uses, subdivision plats, Variations, Appeals and amendments.

"Research and Development Facilities" means single Building sites as well as multiple Building complexes for users involved in high technology research and development. Uses may include, but not be limited to, computer hardware and software development, bio-medical research, pharmaceutical manufacturing, environmental or otherwise "high-technology" engineering. Accessory Uses may include those involved in the receipt, storage and distribution of products and materials required in the manufacturing process incidental to the research and development use and similar uses related thereto.

"Research Laboratories" means a Building or group of Buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.

"Residential Environmental Fees" means those HPEC fees imposed at the time of building permit issuance on the square footage of Dwelling Units in accordance with the applicable Special Conditions.

"Residential Uses" means those uses listed in Section 1.3.2 and Section 1.3.10.B of the GDP.

"Restated Agreement" shall mean the Amended and Restated Annexation and Development Agreement for the Millennium GDP and any future amendments thereto.

"Restaurant, Drive-In" means any establishment in which the principal business is the sale of foods and

beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.

"Restaurant, Fast Food" means any establishment in which the principal business is the sale of food and beverages to the customer in a ready-to-consume state, and in which the design or principal method of operation includes both of the following characteristics: food and beverages are usually served edible in containers or in paper, plastic or other disposable containers: The consumption of food and beverages is encouraged or permitted within the restaurant Building, elsewhere on the premises or for carryout. This type of business commonly has a drive-through facility.

"Restaurant, Indoor and Outdoor" means any establishment in which the principal business is the sale of food and beverages to customers in a ready-to-consume state: where fermented malt beverages, and/or malt, special malt or vinous and spirituous liquors may be produced on the premises and an accessory use; and where the design or principal method of operation includes one (1) of both of the following characteristics: customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed; and customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant Building or within a fenced in outdoor seating area on the sidewalk or other open area adjoining the restaurant premises.

"Retail Establishment" or "Retail Store" means the sale or rental of goods or merchandise to the general



public for personal or household consumption or to services incidental to the sale or rental of such goods or merchandise. Retail establishments over 10,000 square feet include power centers and life style centers.

"Right-of-Way" or "ROW" means an interest in real property conveyed to the public, the City and/or public utilities which have been constructed or will be constructed, for public transportation, drainage or utility improvements including but not limited to street paving, curb and gutter, sidewalks, bicycle lanes and buried or overhead utilities.

"School District" means the Thompson R2-J School District.

"School District IGA" means the Intergovernmental Agreement Concerning Land Dedication or Fees In Lieu for School Purposes between the School District and the City dated January 23, 1996.

"Senior Housing of a Non-Residential Nature" means housing for seniors that does not include residential Dwelling Units except for the uses described below. Individual living quarters may include a private or shared bedroom and a bathroom, a common living room, dining room, kitchen, supportive services and/or personal care services. Examples of these facilities include: Adult Day/Respite Care Facilities; Alzheimers Facilities; Assisted Living Facilities; Congregate Care Housing Developments; Congregate Care Facilities; Continuing Care Retirement Communities; Group Homes/Group Care Facilities; Nursing Care Facilities and other similar facilities.

"Senior Housing of a Residential Nature" means housing for seniors where individual living quarters are considered residential Dwelling Units. Housing types may include: Single Family Detached Dwellings, Single Family Attached Dwellings, Condominiums and Multi-Family Dwellings. These housing types may integrate private Dwelling Units with optional congregate meals, socialization activities and a range of non-health-related supportive assistance such as housekeeping, counseling and transportation. Examples of these facilities could include: Adult Day/Respite Care Facilities; Alzheimers Facilities; Assisted Living Facilities; Congregate Care Housing Developments; Congregate Care Facilities; Continuing Care Retirement Communities; Independent Living Communities, Nursing Care Facilities and other similar facilities.

"Setbacks" means the required distance between the furthest projection of a structure or parking lot and the property line of the lot on which the structure or parking lot is located. Required setbacks shall be unobstructed from the ground to the sky except as specified in Sections 6.3, 9.7 and 10.13.

"Shall" means compliance is mandatory, unless the context requires otherwise.

"Shared Parking" means required parking that is provided both on-site and private lot where the same parking spaces are assigned to more than one (1) use at one (1) time.

"Similar" means resembling each other in some ways. Similar does not mean the same or equal. However, it does mean substantially equal in terms of visual appearance and/or quality of materials, as determined by the Director.

"Single Family Attached Dwelling " means a Dwelling Unit which may be individually owned and which shares a common wall with one or more Dwelling Units, which may be – but are not required to be – on fee-simple Lots, attached in groups of two to six units. Buildings shall be three stories or less in height. Units commonly have direct access to outdoor area.

“Single Family Detached Dwelling” means a detached Building, arranged and designed as a single Dwelling Unit other than a mobile home. Examples include: Single Family Detached Dwellings, Patio Homes, Zero Lot Line homes and other similar dwellings.

“Small Lot Cottage” means a Dwelling Unit, individually owned, which may or may not share a common wall with one or more Dwelling Units and which shall be on fee simple Lots. Utility metering may be grouped and private laterals may cross property lines. Performance standards for “Single Family Attached Dwelling” shall apply.

“Special Condition” or “Special Conditions” means and refers to those conditions of development which are applicable to Development Projects within designated parcels or Subparcels of the GDP in accordance with the Controlling Documents and as set forth as Appendices 2-1, 3-1, 4-1 and 5-1 to Sections 2 through 5, respectively, of the GDP.

“Special Review Uses” means those uses listed in the land use legends on Maps 4, 5, 6 and 7 of the GDP which are reviewed in accordance with Section 12.3.3.B.

"Start of Construction" means and includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of temporary structures or Accessory Buildings, such as garages or sheds not occupied as Dwelling Units or not part of the main structure.

"State" means the state of Colorado.

“Street” or “Streets” means those roadways including, but not limited to, arterial, collector, cul-de-sac, local and private streets, as defined in the Municipal Code or the City’s applicable street standards (currently LCUASS).

“Submittal Checklist” or “Submittal Checklists” means those lists of items that are required to make a Complete Application as approved and amended by the Director.

“Subparcel” means a defined portion of Parcel A, B, C or D as defined in Sections 2, 3, 4 and 5 of the GDP. For example, the land included in the areas depicted as A-1, A-2 or A-3, etc., as shown on Map 4 in Section 11 of the GDP, are Subparcels.



“Technical Standards” means those technical standards, specifications and regulations contained in or adopted by the City pursuant to the Municipal Code for the construction of Buildings and public improvements (e.g., streets, sanitary sewer, water, storm water improvements, and the like).

“Townhome” – See definition for Single Family Attached Dwelling.

“Tract” means a portion of a subdivision intended as, but not limited to, a unit for transfer of ownership or for development, typically being substantially larger than a Lot and intended for large scale development, future subdivision into smaller Lots, or preservation as open space or buffer yards, in accordance with dedications or notes on the plat.

“Traffic Study” or “TIS” means a traffic impact study, the requirements of which are set forth in LCUASS.

“Transit Facility” means a bus stop, bus terminals, transfer points or depots without vehicle repair or storage.

“Transportation Engineering Division” means the engineering and transportation division of the City’s Department of Public Works.

“Transportation Plan” means the City of Loveland 2020 Transportation Plan as amended or superseded.

“Two Family Attached Dwelling” See definition for Single Family Attached Dwelling.

“Type 1 Zoning Permit” means and refers to the permit issued by the City following the City’s administrative approval of a change of use of an existing building based upon its administrative review of a site and landscape plan for the proposed change of use.

“Type 2 Zoning Permit” means and refers to the permit issued for a Special Review Use by the City following the City’s administrative approval of the use.

“Type 3 Zoning Permit” means the permit for a Special Review Use issued by the City following the Planning Commission’s approval of the use.

“Urban Character Village” means a mixed-use Immediate Neighborhood planned with design elements that create a more “urban,” and less “suburban,” streetscape. These elements may include minimal front Setbacks, a block face dominated by building frontages rather than parking areas, pedestrian amenities, “downtown/storefront” architectural elements, outdoor seating areas and/or other small community gathering areas. A variety of uses are permitted within an Urban Character Village to create and protect an appropriate character, refer to Section 9.7.1 for examples of these uses and additional planning criteria.

“US 34” means and refers to United States Highway 34.

“Uses-by-Right” means those uses listed in the land use legends on Maps 4, 5, 6 and 7 of the GDP which are reviewed in accordance with Section 12.3.3.A or 12.3.3.C.

"Variation" means a grant of relief from the requirements of the Performance Standards that permits construction in a manner that would otherwise be prohibited by the GDP.

"Vehicle Major Repair, Servicing and Maintenance" means any Building, or portion thereof, where heavy maintenance activities such as engine overhauls, automobile/truck painting, body or fender work, welding or the like are conducted. Such use shall not include the sale of fuel, gasoline or petroleum products.

"Vehicle Minor Repair, Servicing and Maintenance" means the use of any Building, land area, premises or portion thereof, where light maintenance activities such as engine tune-ups, lubrication, carburetor cleaning, brake repair, car washing, detailing, polishing or the like are conducted.

"Vested Property Rights" means the right to undertake and complete the development and use of property in the GDP under the terms and conditions of the Controlling Documents and applicable law.

"Vesting Period" means the various periods of Vested Property Rights afforded Parcels and Subparcels within the GDP as set forth in Section 7 of the Restated Agreement.

"Warehouse" means a Building used primarily for the storage of goods or materials.

"Warehouse and Distribution" means a use engaged in storage, wholesale, and distribution of manufactured products, supplies or equipment, including accessory offices or showrooms, including incidental retail sales, but excluding bulk storage of ma-

terials that are explosive or that create hazardous or commonly recognized offensive conditions.

"Will" means compliance is mandatory, unless the context requires otherwise.

"Wireless Telecommunication Facility" means any freestanding facility, Building, pole, tower or structure used to provide only wireless telecommunication services, and which consists of, without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunication services.

"Wireless Telecommunications Services" means services providing for the transmission of wireless communications utilizing frequencies authorized by the Federal Communications Commission for paging systems, enhanced specialized wireless telecommunications, personal communication services or cellular telephone.

"Workshop and Custom Small Industry" means a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstery, custom care or motorcycle restoring or other similar uses.

"Zero Lot Line Home" is a Building or structure which satisfies one of the following criteria: 1) a structure with at least one (1) wall coterminous with the Lot line, which wall may include footings, eaves and gutters that may encroach onto the abutting Lot under the authority of an encroachment and maintenance easement; or 2) a Building or structure that is generally "centered" between its own side Lot lines, and using cross maintenance and access agreements



each property owner is entitled to use a portion of one adjacent Lot; or 3) a similar condition to #2 above, but having unequal side yard Setbacks.