

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 UDC and the Municipal Code, unless said definitions are ~~in conflict or inconsistent with~~ In Conflict With 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.

Note 3: The Centerra DRC and the Director shall have the final interpretation authority with regard to definitions included in this Section 13 as well as definitions not included here that refer back to the Municipal Code or UDC.

Note 4: Rules of Construction in Section 12.1.3 of the GDP apply to definitions included in this Section 13.

“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~~ Primary Uses. Indoor ~~accessory uses~~ 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.

“Accessory 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. Accessory Dwelling Units shall contain no more than 1,150 square feet or 80% of the principal Dwelling Unit square footage.

“ACF Regulations” means the provisions of the Municipal Code relating to adequate community facilities as now existing in ~~Chapter 16.41~~ the Municipal Code 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~~ 12.3.3A.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~~Northern Colorado Regional 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~~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~~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~~Street, or in some cases properties fronting on an ~~open-space~~Open Space area with a connecting walkway.

“Alternative Compliance” means a demonstration that a Performance Standard of this GDP is met by an alternative means, whether or not such means is explicitly enumerated in the applicable Performance Standard. The Centerra DRC may find that a project complies with a Performance Standard by means of Alternative Compliance. In approving Alternative Compliance, the Centerra DRC and Director shall find that the proposed alternative plan accomplishes the purposes of the Performance Standard for which Alternative Compliance is sought equally or better than a plan which complies with the Performance Standard, and furthers the GDP goals set forth in Section 1.1.2 of the GDP.

“Alzheimers and Memory Care 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, which building is 15,000 square feet or smaller, 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, which building is 15,000 square feet or smaller, 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.~~ Overnight care of ~~said~~ animals is ~~prohibited except when necessary in the~~ allowed both for medical treatment ~~of the animal~~ and for general boarding of animals of a non-medical nature.

“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~~ Building for the purpose of providing ~~personal wireless services~~ 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~~ 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~~ 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 three~~ to ~~3-8~~eight 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~~occupants’ 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~~UDC.

“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~~decks, carports, canopies, enclosed malls, and porches. Buildings have the following characteristics:

- Is permanently affixed to the land; and
- Has one ~~(1)~~ or more floors, walls 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~~Buildings on the Lot at grade or at plaza level. Building Coverage is measured to the exterior faces of ~~building walls~~Building walls and shall not include outdoor covered or uncovered patios. Lot areas covered by plazas, pedestrian malls, and/or ~~landscaping~~Landscaping shall not constitute Building Coverage. ~~Similarly, building area situated over plazas, pedestrian malls, or landscaping shall constitute Building Coverage.~~

“Building Frontage, Non-Residential” means that side of a Building that faces and is parallel to or most nearly parallel to a ~~public or private street~~Public Street 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~~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~~Building or structure.

- The elevation of the highest ground surface within a ~~five-foot~~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~~five-foot horizontal distance from said wall.

- An elevation ~~ten~~10 feet higher than the lowest ground surface within a ~~five-foot~~five-foot horizontal distance from the exterior wall of the Building, when there is greater than a ~~ten~~10-foot difference between the highest and lowest ground surface within a ~~five-foot~~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 (See also Section 8.15, Table 9-1 and Table 10-1):

- 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~~Building, if the ~~floor-area~~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' feet.

“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~~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~~UDC.

“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.

“Centerra South MFA” means the Master Financing and Intergovernmental Agreement (Centerra South) by and among Centerra South Development, Inc., Centerra Properties West, LLC, VDW Properties,

LLC, the City, and the LURA, dated June 8, 2023, as may be amended and on file with the City.

“City” means the ~~city~~City of Loveland, Colorado, or the area within the territorial limits of the ~~city~~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 DRC Appointee” means a City staff member who serves as a non-voting member of the Centerra DRC and a designated representative of the Director, who shall be appointed by the Director.

“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.

“Cluster Dwellings” means a Dwelling Unit fronting on a Private Street or a Private Driveway. Front doors may face the Private Street, Private Driveway or on the end corner units the front door may face

the Street while the garage faces the Private Street or Private Driveway. Utility metering may be grouped and private laterals may cross property lines. Performance Standards in Sections 9 and 10 for “Single Family Attached Dwelling” shall apply to Cluster Dwellings. Front yard trees are not required for any Cluster Dwelling. Section 9.8.D.1 through 6 shall not apply to Cluster Dwellings.

“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.~~

“Commercial Development Projects” means and refers to any or all of the following applications for non-residential commercial development within the GDP including, but not limited to, applications for building permits, changes of use, Site Development Plans including those containing Uses-by-Right or Special Review Uses, sign permits, Boundary Line Adjustments, Lot Mergers, combined GDP Sketch Plats and GDP Final Plats, and GDP Final Plats.

“Commercial Early Building Permit” means a commercial building permit issued for grading, footings and foundation, or vertical development, prior to the installation, construction, or

reconstruction of certain public improvements, drainage improvements, and Landscaping, provided that prior to the issuance of the permit for vertical development adequate water for fire protection and an acceptable all-weather access road for emergency vehicles is available to the site for which the Commercial Early Building Permits is requested.

“Common Open Space” means areas within a Development Project, and includes drainageways, active and passive Recreational Spaces including Accessory Uses related to the operation of such facilities such as toilet/locker rooms and parking lots, platted Outlots, Landscaped areas outside of any rights-of-way, Landscaped entries, Landscaped roofs, Landscaped Rights-of-Way, lakes, ponds, bikeways, trails, sidewalks, plazas, dog parks, ditch corridors and other irrigation facilities and similar type 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~~ 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.

“Comprehensive 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.

“Concept Review Meeting” means a meeting with the Director to (1) ensure the applicant is familiar with the procedural and substantive requirements of the UDC; (2) coordinate with representatives from agencies and departments with an administrative interest in the development in order to discuss issues concerning the development early in the review process; and (3) review the applicant’s concept plan and identify application requirements.

“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~~ 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~~ 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~~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~~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.

“Craft Breweries and Distilleries” means any establishment where malt liquors, fermented malt beverages, or spirituous liquors are manufactured, distributed, sold, and/or served to the public.

“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~~Dwelling Units per acre of land.

“Developer” means McWhinney Real Estate Services, Inc., a Colorado corporation, and any successors and assigns.

“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” collectively 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.~~ Commercial Development Projects and Residential Development Projects.

“Director” means the City’s Director of Development Services or that person’s designee.

“Double Frontage Lot” means any ~~lot~~Lot which abuts two or more ~~streets~~Streets other than a corner ~~lot~~Lot, which abuts two intersecting ~~streets~~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, Cluster Dwelling, Small Lot Cottage Dwelling, Live/Work Structure or mixed use ~~building~~Building. The term Dwelling Unit shall not include Hotels, Motels, tents or other structures designed or used primarily for temporary occupancy. Any Dwelling Unit except ~~Ancillary~~Accessory Dwelling Units shall be deemed to be the Principal Use or ~~building~~Building.

“Early Building Permit” means the Commercial Early Building Permits.

“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~~Streets, and/or Open Space corridors. Strategically placed ~~public uses~~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 recommends 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 or Hotels intended to be rented/leased for long periods of up to six months including corporate housing for Employees, clients and consultants.

"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~~ 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; and basements; ~~and one half the area for storage and display area in commercial uses for hard goods.~~

"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.

"Front Lot Line" means the property line dividing a Lot from a ~~street~~ Street except Lots bordered by more than one ~~street~~ Street or Lots that front an ~~open space~~ Open Space with a connecting walk. On Lots bordered by more than one ~~street, the building official~~ Street, the Centerra DRC 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~~ Street shall have a minimum corner Setback as required in the GDP.
- The Centerra DRC shall determine what constitutes the front yard of a Lot, which may vary by product type.

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

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

“GDP Final Plat” means the plat of certain described land prepared in accordance with the requirements of the UDC, 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.

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

“GDP Sketch 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 GDP Final Plat. A sketch plat is not a plat for purposes of C.R.S. §31-23-215. GDP Sketch Plats are not subject to the UDC approval process, so there is no required neighborhood meeting or third-party appeal.

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

“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.

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

“General Offices” means offices for professional use such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, mental and social counselors or others who through training are qualified to perform services of a professional nature ~~and where no storage or sale of merchandise is conducted.~~

~~“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.~~

“Group Home” means a Dwelling Unit in which six or more individuals live together and receive supportive services and are supervised by persons who live in the residence, provided that no more than 12 individuals, including supervisory personnel, may live in the Dwelling Unit, for the purpose of providing special care or rehabilitation for developmentally disabled persons, elderly persons, juvenile offenders, mentally ill persons,

persons with substance use disorders, or persons in need of other types of special care.

“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 Logistics” means any business that requires 12 or more semi-truck deliveries in a 24-hour period.

“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.~~or suites.

“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~~condominiums, Patio Homes, Zero Lot Line Homes, Multi-Family Dwellings, apartments, Mixed Use Residential, Cluster Dwellings, Small Lot Cottage Dwellings, Live/Work Structures, Co-Housing, Senior ~~House of a Residential Nature~~Housing and Extended Stay Housing.

“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.

“I-25” means U.S. 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~~Housing Types, possibly with ~~compatible~~Compatible supporting non-residential uses; have related architectural character; and are usually between eight and ~~thirty~~30 acres in size and designated on the applicable SDP. Immediate Neighborhoods are typically adjacent to or close by Urban Character Villages. Immediate

Neighborhoods shall have the same criteria in Table 9-2 as Urban Character Villages. See MUN.

“Improvements” include, but are not limited to, any and all ~~buildings~~Buildings, out-buildings, roads, driveways, parking areas, fences, screening walls, retaining walls, loading areas, signs, utilities, lawns, lighting, ~~landscaping~~Landscaping, and walkways, including all those located on ~~building~~Building sites and ~~common areas~~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.~~

“In Conflict With” or “Inconsistent With” means:

- Where a matter is addressed in the GDP, and the UDC or Municipal Code is silent, the GDP shall govern;
- Where the GDP is silent on a specific Performance Standard, but contains other standards addressing the same general subject, it should be viewed as an intent for the GDP to occupy the field with regard to such subject, and the GDP shall govern; provided that, as set forth in Section 12.2.3, if the GDP lacks specific standards that would materially, adversely impact the City’s ability to review Development Projects relating to oil and gas development standards, water or wastewater development standards, airport influence area development standards, transportation design standards, adequate community facility standards that are rationally related and roughly proportional to demand created by a Development Project, and standards associated with non-conforming uses, those standards in the UDC or Municipal Code shall govern;

- Where the GDP contains a Performance Standard which is different than the UDC or Municipal Code, the GDP shall govern;

- Where the GDP is silent on a specific Performance Standard, or any other applicable standard, and the subject matter, or standard, is addressed in the UDC or the Municipal Code, but not in the GDP, the UDC or Municipal Code, as applicable, shall govern consistent with Section 12.2.2.

“Independent Living Communities” means communities for seniors that include ~~Single Family~~Single Family Detached Dwellings, ~~Single Family~~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, tasting rooms, dance studios, martial art schools, ~~and~~ arts and crafts studios, ~~but not including bowling alleys or establishments which have large scale gymnasium type facilities~~and establishment for such activities as tennis, roller or ice skating, volleyball, indoor batting cages, basketball facilities, and/or competitive swimming or similar such use.

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

“In-Line Retail” means attached Retail establishments or Retail Stores.

“Inpatient and Outpatient Behavior Health Facilities” means facilities that provide behavioral health services to inpatients or outpatients requiring such services.

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

“Landscape Standards” means a set of guidelines specific to Open Space, including Common Open Space and/or Private Open Space, and the tree lawns and medians, that establishes baseline requirements for the design, installation, and maintenance of landscapes. These standards provide specifics regarding the quality, quantity, and functional aspects of the landscape and establish related goals such as water conservation and aesthetic cohesiveness.

“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, (including rock) topsoil use, soil preparation, re-vegetation or the preservation, protection and replacement of existing trees. Landscaping also includes planted seasonal pots and hanging baskets.

“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~~ UDC.

“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~~ 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~~ 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~~ Right-of-Way.

“Lot Merger” means any merger of one or more lots or tracts into a single resulting lot or lots.

“LURA” shall mean the Loveland Urban Renewal Authority.

“Major Amendment” has the meaning set forth in Section 12 of this GDP

~~“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 de Water~~ District Nos. 1-5, the Kinston Metropolitan Districts Nos. 1-10, the Van de Water Metropolitan Districts Nos. 1-3, the Centerra South Metropolitan District Nos. 1-3, the Lakes Metropolitan District Nos. 1-3, and West Boyd Metropolitan District Nos. 1-3.

“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 as amended 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~~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.~~

“Minor Amendment” has the meaning set forth in Section 12 of this GDP

“Mixed Use Neighborhood” or “MUN” means a residential mixed use neighborhood which is a residential area – typically of 50 to 500 or more acres - comprising one or more interconnected Immediate Neighborhoods and other designated neighborhoods designed to be served with a common collector Street system, and typically having identifiable edges and one or more Centers within walking distance (1,650 feet±) 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 and is closely related to an Urban Character Village. 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.

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

“Mixed Use Residential Building” means a Building containing Mixed Use Residential ~~uses~~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~~located on the ground 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, Hotel 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~~Residential Uses with non-residential uses in a single lease space as is the case with Live/Work Structures.

“Mixed Use Village Center” or “MUVC” means a concentration of development that provides a combination of uses in the same general area of a community ~~and/or~~which could be horizontally mixed in separate Buildings or vertically mixed within a single Building. For example, a ~~mixed-use~~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.

“Modification of Standard” is a deviation from or an approved noncompliance with any Performance Standard as set forth in Section 12.2.4, which shall further the GDP goals set forth in Section 1.1.2 of the GDP.

“Multi-Family Dwelling” means a Building or ~~lot~~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~~in a for-rental project may include Single Family Attached Dwellings, Townhomes, ~~Hotels, Motels,~~Duplexes 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.

“MUV Shared Common Areas” as described in Section 16 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 Driveways, lawns, sidewalks, Landscaping, exercise paths, Street furniture, green belt structures, and recreational and athletic facilities.

“Neighborhood Fencing Standard” is the applicable guideline relating to fencing design, approved administratively by the Director and the Centerra DRC.

“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, which may be provided by Developer, a Metropolitan District, or a homeowners’ association.

“Net Acre” means the area of developable land of a site, excluding land being dedicated for public ~~rights-of-way~~ Rights-of-Way or other ~~public uses~~ Public Uses (i.e., schools, ~~and parks, and storm detention areas~~).

“Net Density” means the number of Dwelling Units per ~~net acre of land~~ Net Acre.

“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~~ 24-hour per ~~day~~ 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 Entertainment" means venues for concerts, or any similar type of use.

"Outdoor Entertainment Uses" means an outdoor venue for entertainment, including concerts, or any similar type of use.

"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~~ 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.

"Parcel" or "GDP Parcel" means Parcel A, B, C or D, as shown on Maps 4 through 7 in Section 11 of the GDP.

"Parking Garage" or "Parking Structure" means an off-street parking area within a Building. The Building may not include solid perimeter full-height walls.

"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~~ Developer's discretion providing other standards are met. Within certain areas of MUNs and MUVs – as noted in this GDP and including Urban Character Villages – the required parking may include all allowed ~~on-street~~ on-Street parking on the adjacent side of each surrounding local or collector ~~street~~ 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 and design standards contained in Section 6 through 10 and 16 of the GDP, which address design considerations including, but not limited to, architectural, site planning, ~~landscaping~~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~~Day, obedience classes, training, grooming and /or behavioral counseling, provided that overnight boarding is not permitted.

“Pharmacy” means an establishment in which drugs and medicines are exposed for sale and sold at retail, or in which prescriptions of licensed physicians and surgeons, dentists, prescribing psychologists, or

veterinarians are compounded and sold by a registered pharmacist.

“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 printing services using photocopy, blueprint or

offset printing equipment, and may include the collating of booklets and reports.

“Private Driveway” or “Private Drive” means an un-named vehicular access that is not a publicly dedicated ROW to the City and is owned and maintained by a Metropolitan District, private association, private property owner/s, or other, which may serve in place of an Alley as vehicular access to a home where fire access or addressing are required. Front doors and garages of residential units and front doors/public access of non-residential Buildings may face and gain access from the Private Driveway.

“Private Open Space” means those areas within each individual Lot not covered by Building, parking or driveways and includes all open areas, drainageways, active and passive Recreational Spaces including related Accessory Uses, all Landscaped areas, Landscaped entries, Landscaped roofs, Landscaped islands, lakes, ponds, bikeways, trails, sidewalks, plazas, courtyards, dog parks, irrigation facilities, and structural parking covered by plazas. See also Section 6.4 and 6.5.

“Private Street” or “Private Streets” means a named Street that is not a publicly dedicated ROW to the City and is owned and maintained by a Metropolitan District, private association, private property owner/s, or other.

“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 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 Street” or “Public Streets” means a named Street that is a publicly dedicated ROW to the City.

“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~~ 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, whether indoors or outdoors, which may include but is not limited to an amenity campus, park, and amphitheater.

~~“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 plats, Modifications of Standard, Alternative Compliance,

Site Development Plans, civil construction plans, 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 Development Project” means and refers to any application for residential development within the GDP including, but not limited to, applications for building permits, changes of use, Site Development Plans including those containing Uses-by-Right or Special Review Uses, sign permits, Boundary Line Adjustments, Lot Mergers, plats, combined GDP Sketch Plats and GDP Final Plats and GDP Final Plats.

“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 effective July 11, 2006, 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~~ 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~~ 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~~ Establishments over 10,000 square feet include power centers and ~~life-style~~ lifestyle 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~~ 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~~ 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 Apartment” means an age targeted or age restricted rental apartment community.

“Senior Housing ~~of a Residential Nature~~” means housing for seniors where individual living quarters ~~are~~may be considered residential Dwelling Units. Housing ~~types~~Types may include: Single Family Detached Dwellings, Single Family Attached Dwellings, ~~Condominiums and condominiums,~~ Multi-Family Dwellings. ~~These housing types,~~ Adult Day/Respite Care Facilities, and other types of living arrangements as stated below. 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~~Alzheimers and Memory Care Facilities; Assisted Living Facilities; Congregate Care Housing Developments; Congregate Care Facilities; Continuing Care Retirement Communities; Senior Apartments; Independent Living Communities, Nursing Care Facilities and other similar facilities.

“Setbacks” means the required distance between the furthestmost projection of a structure or parking lot and the property line of the ~~lot~~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 ~~(+)~~use at one ~~(+)~~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 Centerra DRC and 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; with the allowance for a fourth floor rooftop deck/living area. Units commonly have direct access to an 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~~Homes, Cluster Dwellings, Small Lot Cottage Dwellings and other similar dwellings.

“Site Development Plan” or “SDP” means a plan for the development of a site, approval of which is

required prior to or concurrent with the issuance of site work permits or building permits, approved in accordance with Section 18.17.11 of the UDC, as amended.

“Small Lot Cottage Dwelling” 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.~~ typically less than 45 feet wide. Lots may front a Private Driveway, a Private Street, a Public Street or an Open Space and also may be serviced by an Alley. Front yard trees are not required. Section 9.8.D.1 through 6 shall not apply to Small Lot Cottage Dwellings.

“Special Condition” or “Special Conditions” means and refers to those conditions of development by the City which are applicable to Development Projects within designated ~~parcels~~ 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 in Section 11 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~~ 180 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 publicly dedicated roadways including, but not limited to, arterial, collector, cul-de-sac, and local, and ~~private streets~~ those Private Streets, as defined in the ~~Municipal Code~~ UDC or the City’s applicable ~~street~~ Street standards (currently LCUASS), unless in conflict with the GDP. Streets shall NOT include service drives, Alleys, Private Driveways or drive lanes within parking facilities.

“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” or “GDP 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~~ Maps 4 through 7 in Section 11 of the GDP, are Subparcels. Subparcels or GDP Subparcels may also be referred to using the terms

“Parcel” or “GDP Parcel” and the defined portion of each Parcel.

“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~~Streets, wastewater, 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.

“UDC” means the City of Loveland Unified Development Code, originally effective as of January 1, 2019, as amended from time to time.

~~“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~~mixed use Center in a MUN 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~~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 ~~9.7.19.5.9~~9.5.9 for examples of these uses and additional planning criteria. Urban

Character Village boundaries are designated on the applicable SDP.

Subparcels within the GDP as set forth in Section 7 of the Restated Agreement.

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

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

“Uses-by-Right” means those uses listed in the land use legends on Maps 4, 5, 6 and 7 in Section 11 of the GDP which are reviewed in accordance with Section 12.3.3.A or 12.3.3.C.

“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 materials that are explosive or that create hazardous or commonly recognized offensive conditions.

~~“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.~~

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

“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.

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

“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.

“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.

“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.

“Workshop and Custom Small Industry” means a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment,

“Vesting Period” means the various periods of Vested Property Rights afforded Parcels and

including small engine repair, furniture making and restoring, upholstering, 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~~ 2 above, but having unequal side yard Setbacks.

| | |
|---|-----|
| Summary report: Litera Compare for Word 11.2.0.54 Document comparison done on 9/1/2023 12:35:04 PM | |
| Style name: Brownstein | |
| Intelligent Table Comparison: Active | |
| Original DMS: iw://dm.bhfs.com/ACTIVE/22625253/1 | |
| Modified DMS: iw://dm.bhfs.com/ACTIVE/22625253/16 | |
| Changes: | |
| Add | 287 |
| Delete | 225 |
| Move From | 43 |
| Move To | 43 |
| Table Insert | 0 |
| Table Delete | 0 |
| Table moves to | 0 |
| Table moves from | 0 |
| Embedded Graphics (Visio, ChemDraw, Images etc.) | 0 |
| Embedded Excel | 0 |
| Format changes | 0 |
| Total Changes: | 598 |