

**SECTION 13  
TERMS AND DEFINITIONS**

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**SECTION 13  
TERMS AND DEFINITIONS**

**Note 1: Definitions not included in this Section 13 or in the Controlling Documents, shall be in accordance with the BMC, unless said definitions are in conflict or inconsistent with the provisions of the Controlling Documents.**

**Note 2: The words and phrases in this Section 13, when used in the PUD, shall have the meanings set forth in this section (whether or not capitalized), except where the context indicates otherwise.**

**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** 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.

**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.

**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 area with a connecting walkway.

**ALZHEIMER'S FACILITIES** means residential facilities specifically designed to care for people with dementia.

**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.

**APPEAL** means a request for review of an administrative decision of the City and County Manager. 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 North Park DRC or Broomfield.

**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.

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**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.

**BAY** see Building Bay

**BED AND BREAKFAST ESTABLISHMENTS** means lodging facilities, typically restricted to 3-8 rooms, with the proprietor residing on the premises.

**BMC** means the Broomfield Municipal Code.

**BOARDING HOUSE** 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 PUD and the BMC.

**BROOMFIELD** means the City and County of Broomfield, Colorado or the area within the territorial limits of the City and County of Broomfield, Colorado.

**BROOMFIELD COUNTY RECORDS** means the records of the Clerk and Recorder of Broomfield.

**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.

**BUILDING CODE** means the International Building Code as adopted by Broomfield pursuant to Section 15-03-020(1) and Section 15-04-010 of the BMC 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.

**BUSINESS SERVICE SHOP** means a shop rendering services to business establishments such as employment service, office supplies, mailing or copy shops, etc.

**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.

**CCOB** means the City and County of Broomfield.

**CDOT** means the Colorado Department of Transportation.

**CENTER** in MUS residential areas 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 similar.

**CITY AND COUNTY ATTORNEY** means the attorney appointed by the City Council to represent Broomfield, or that person's designee.

**CITY AND COUNTY MANAGER** means the duly appointed manager of Broomfield or that person's designee.

**CITY COUNCIL** means the elected legislative body of Broomfield.

**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.

**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.A.

**COMPREHENSIVE PLAN** means the 2005 Comprehensive Plan of the City and County of Broomfield adopted by the City Council on October 25, 2005 as amended.

**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 house-keeping, 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 9 of the PUD.

**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 the Development Agreement, the Vesting Agreement and the PUD, including, but not limited to, the Special Conditions, the General Conditions, the Design Standards and the Variance List.

**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.

**DAYS** shall mean calendar days unless otherwise specifically noted.

**DELIVERY STATION/DISTRIBUTION CENTER** means the physical location from which e-commerce customer orders arrive via line haul trucks pre-packaged, are sorted based on delivery location, and then transferred same day to delivery vans or personal vehicles for regional courier services.

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

**DESIGN STANDARDS** means the design standards contained in Sections 6 through 10 of the PUD, which address design considerations including, but not limited to, architectural, site planning, landscaping, streetscape and sign elements for all development within the PUD.

**DEVELOPER** means McWhinney Real Estate Services, Inc., a Colorado corporation, or any affiliated entity in which McWhinney Real estate Services, Inc. has a majority interest.

**DEVELOPMENT AGREEMENT** shall mean the North Park PUD Amended and Restated Managed Growth and Development Agreement between Broomfield, the Developer and McWhinney CCOB Land Investments, LLC approved by the City Council on November 17, 2009 and on file with Broomfield, and any future amendments thereto.

**DEVELOPMENT PROJECT** means and refers to any application for development within the PUD including, but not limited to, applications for Site Development Plans for Permitted Uses, Site Development Plans for Uses by Special Review, Minor Subdivision plats, Major Subdivision plats, building permits and planned sign programs.

**DIRECTOR** means the director of Broomfield's Planning Division 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.

**ENGINEERING DIVISION** means the Engineering Division of Broomfield's Department of Community Development.

**ENTERTAINMENT FACILITIES AND THEATERS** means a building, buildings or parts thereof devoted to showing motion pictures or dramatic, musical or live performances.

**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 Subdivision plat of certain described land prepared in accordance with the requirements of the BMC, as an instrument for recording real estate interests in the Broomfield County Records. The Final Plat shall serve as the plat for purposes of C.R.S. § 31-23-215.

**FIRE DISTRICT** means the North Metro Fire Rescue District.

**FLEX SPACE** means a building where a portion of the building area is devoted to office uses that support the principal industrial, warehouse and/or research and development 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 area 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 PUD.
- Any other yard area abutting on a street shall have a minimum corner Setback as required in the PUD.

**GENERAL CONDITION OR GENERAL CONDITIONS** means and refers to those conditions of development which are applicable to every Development Project within the PUD in accordance with the Controlling Documents and are which set forth in Appendix 1-2 to Section 1 of the PUD.

**GENERAL DISTRICT** means the area of the MUD that is not the Urban Center Core or the Perimeter area.

**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 or Subparcel, typically measured to the centerline of adjacent streets, which includes Lots, Tracts, any public dedications for roads, parks, public common areas and private common areas, schools, libraries, or other Public Uses.

**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.

**HWY. 7** means Colorado State Highway No. 7.

**I-25** means Interstate Highway No. 25.

**I-25 SUB-AREA PLAN** means the I-25 Sub-Area Plan adopted by the City Council on September 14, 1999, as amended.

**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.

**INDEPENDENT LIVING COMMUNITIES** mean communities for seniors that include Single-Family Attached Dwellings, condominiums, and/or apartments where the residents maintain an independent lifestyle.

**IN-LINE RETAIL** means attached retail stores.

**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

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servicing 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.

**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.

**LEVEL OF SERVICE** means the level of service standards as defined in the BMC.

**LIGHT MANUFACTURING** means a facility wherein goods are produced predominantly from previously prepared materials and all manufacturing activities are confined 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 in the MUD or the MUS land use category.

**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 or public access easement.

**MAJOR SDP AMENDMENT** means a major amendment to an approved Site Development Plan as defined by Section 12.5.2.B of the Regulatory Procedures.

**MAJOR SUBDIVISION** means any subdivision not falling within the definition of a Minor Subdivision, and which are not Boundary Line Adjustments or Lot mergers.

**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.

**MEDICAL OFFICES** means doctors' offices, clinics, outpatient surgery, dentists' offices and similar.

**MEMORY CARE FACILITIES** means Alzheimer's Facilities and other residential facilities specifically designed to care for people with Alzheimer's disease, Lewy Body disease, Huntington's disease, Korsakoff Syndrome, dementia and other memory problems.

**METROPOLITAN DISTRICT** means all existing and future metropolitan districts within the PUD including, but not limited to, the North Park Metropolitan Districts.

**METRO DISTRICT/BROOMFIELD IGA** means the Third North Park PUD Amended and Restated Managed Growth and Development Agreement dated \_\_\_\_\_. The Parties are the City and County of Broomfield, Broomfield Urban Renewal Authority, North Park Metropolitan District No. 1 (now known as Baseline Metropolitan District No. 1), North Park Metropolitan District No. 2 (now known as Baseline Metropolitan District No. 2), North Park Metropolitan District No. 3 (now known as Baseline Metropolitan District No.3), North Park Metropolitan District No. 4 (now known as Baseline Metropolitan District No.4), McWhinney CCOB Land Investments, LLC, and McWhinney Real Estate Services, Inc., together with any additional metropolitan districts formed to serve the Property following approval of the same by the City Council.

**MINOR SDP AMENDMENT** means a minor amendment to an approved Site Development Plan as defined by Section 12.5.2.A of the Regulatory Procedures.

**MIXED USE RESIDENTIAL** means residential uses located in the same building with non-residential uses.

**MIXED USE – SECONDARY USES** means those uses listed in Section 1.3.2 of the PUD.

**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.

**MIXES USE – URBAN USES** means those uses listed in Section 1.3.1 of the PUD.

**MIXED USE URBAN CORE CENTER** see definition for Urban Center Core.

**MUD** means the Mixed Use Urban District as described in Section 9 and comprised of Urban Center Cores, General Districts and Perimeter areas.

**MUD USES** means those uses listed in Section 1.3.1 of the PUD.

**MULTI-FAMILY DWELLING** means a building 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.

**MUS** means the Mixed Use – Secondary as described in Section 1.3.2 and comprised of a suburban type of development.

**MUS USES** means those uses listed in Section 1.3.2 of the PUD.

**MUST** means compliance is mandatory, unless the context requires otherwise.

**NORTH PARK DRC** means the North Park Design Review Committee, a private committee created for the purpose, among others, of evaluating each Development Project within the PUD for compliance with the PUD and the Private Design Guidelines adopted by the North Park DRC.

**NORTH PARK PRELIMINARY PLAT** means the North Park Preliminary Plat approved by the City Council on October 13, 2009 and on file in the Broomfield County Records.

**NORTH PARK PUD** means the North Park Planned Unit Development Plan approved by the City Council on October 13, 2009 and on file with Broomfield, and all approved amendments thereto.

**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 lot, 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.

**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 AREA** means a privately owned and maintained parcel of land or body of water or both within a development upon which there are no structures, parking areas or driveways. An open area may be a landscaped area, a plaza, a recreational area, sidewalks, or other such areas that are accessible to the public or to the occupants of a development. In MUD Urban Center Cores and General District, open area shall also include:

- 1) areas within ROW's that are adjacent to the development with the above features and/or the features listed in Sections 9.4.4 and 9.5.3

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2) areas attached to or located on top of the development's structures as listed in Sections 9.4.4 and 9.5.3.

**OPEN LANDS USES** means those uses listed in Section 1.3.3 of the PUD.

**OUTDOOR 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.

**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.

**PARCEL** an area of land comprised of one or more Sub-parcels as depicted on Maps 1-7 in Section 11 of the PUD.

**PARKING GARAGE** means an off-street parking area within or on top of a building.

**PARKING STRUCTURE** means an off-street parking area within or on top of 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.

**PERMITTED USES** means those uses listed as such in Section 1 of the PUD which are reviewed in accordance with Section 12.3.3.B.

**PERSONAL SERVICE SHOPS** means shops primarily engaged in providing services generally involving the care of the person or such person's apparel such as

laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, nail salons, etc.

**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 AND ZONING COMMISSION – FORMERLY KNOWN AS LURC** shall mean the Planning and Zoning Commission of Broomfield as duly appointed by the City Council

**PLANNING DIVISION** means the Planning Division of Broomfield's Department of Community Development.

**PRELIMINARY PLAT** means the North Park Preliminary Plat.

**PRIMARY STRUCTURE** means a structure in which is conducted the main or Principal Use of the Lot on which said building is located.

**PRIMARY USE** means the primary or predominant use of any Lot or Tract, as permitted under the PUD.

**PRINCIPAL STRUCTURE** means a structure in which is conducted the main or Principal Use of the Lot on which said building is located.

**PRINCIPAL USE** means the primary or predominant use of any Lot or Tract, as permitted under the PUD.

**PRINTING FACILITIES** 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 OUTDOOR SPACE IN THE MUS** means those areas defined in Section 10.10.1.

**PRIVATE DESIGN GUIDELINES** means the private design guidelines adopted by the North Park DRC that will provide additional tools to ensure quality development.

**PUBLIC AREA** means land which is owned by and operated for Public Use by school districts or by city, county, state or federal governments or a Metropolitan District

**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** 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 a city, county, state or federal government or a Metropolitan District.

**PUBLIC WORKS DIRECTOR** means the Director of Broomfield's Department of Public Works or that person's designee.

**PUD** means the North Park PUD.

**PUD AMENDMENT** means an amendment to the PUD or an amendment to the North Park Preliminary Plat as defined by Section 12.5.1.B of the Regulatory Procedures.

**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. 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, etc.

**REGULATORY PROCEDURES** means those regulatory procedures set forth in Section 12 of the PUD which define submittal requirements and review processes for a Development Project within the PUD, including but not limited to, processes for SDP's, Subdivisions Variations, Appeals and amendments.

**RESEARCH AND DEVELOPMENT FACILITIES** means single building sites as well as multiple building complexes for users involved in research and development and includes associated office, lab and manufacturing uses. Types of uses may include, but not be limited to, computer hardware and software development, biomedical research, pharmaceutical manufacturing, clean energy and renewable energy, 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 associated with 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.

**RESTAURANT, DRIVE-THROUGH** 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** 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.

**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 Stores over 10,000 square feet include power centers and life style centers.

**RIGHT-OF-WAY** means an interest in real property conveyed to the public, Broomfield or a Metropolitan District 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.

**ROW** see definition for Right-of-Way

**ROOMING HOUSE** 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.

**SCHOOL DISTRICT** means the Adams 12 Five Star Schools district.

**SDP** means a Site Development Plan for Permitted Uses or Uses by Special Review within the PUD.

**SETBACKS** means the required distance between the furthestmost 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 Section 6.3 and Table 9-4B.

**SHALL** means compliance is mandatory, unless the context requires otherwise.

**SHARED COMMON AREA** means areas within a Development Project, generally not included in Lots and includes but is not limited to 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 Tracts, urban and suburban parks and pocket parks, landscaped areas, landscaped entries, landscaped right-of-ways, landscape islands, lakes, ponds, bikeways, trails, sidewalks, sidewalk or patio outdoor café dining, street trees and their planter/grate areas, sidewalk sitting areas with benches and similar, plazas, squares, greens, courtyards, pedestrian paseos/pasageways, swimming pools, fountains, ditch corridors

and other irrigation facilities, structured parking covered by plazas and similar. See also Sections 9.4.3, 9.5.2 and 10.10.2.

**SHARED PARKING** means required parking that is provided both on-site and on an adjacent private Lot where the same parking spaces are assigned to more than one (1) use at one (1) time.

**SITE DEVELOPMENT PLAN** means a site development plan for Permitted Uses or Uses by Special Review within the PUD.

**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 City and County Manager.

**SINGLE FAMILY ATTACHED "SFA" 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 or more units. Units commonly have direct access to outdoor areas.

**SINGLE FAMILY DETACHED "SFD" DWELLING** means a dwelling unit which may be individually owned and does not share a common wall with any other dwelling unit on a fee-simple Lot. Units commonly have direct access to outdoor areas.

**SPECIAL CONDITION or SPECIAL CONDITIONS** means and refers to those conditions of development which are applicable to a Development Project within designated Parcels or Subparcels of the PUD 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 PUD.

**STAND-ALONE RESIDENTIAL** means one or more dwelling units, other than: (a) dwelling units located in the same building with a non-residential

use, and (b) dwelling units in Assisted Living Facilities, Memory Care Facilities, Congregate Care Facilities and Nursing Care Facilities.

**START OF CONSTRUCTION** 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.

**SUBMITTAL CHECKLIST or SUBMITTAL CHECKLISTS** means those lists of items that are required to make a Complete Application as approved and amended by the City and County Manager.

**SUBPARCEL** means a defined portion of Parcel A, B, C or D as defined in Sections 2, 3, 4 and 5 of the PUD. 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 PUD, are Subparcels.

**TECHNICAL STANDARDS** means those technical standards, specifications and regulations contained in or adopted by Broomfield pursuant to the BMC for the construction of buildings and public Improvements (e.g., streets, sanitary sewer, water, storm water improvements, and the like).

**THIRD PARTY OWNER** means any owner of property within the PUD other than McWhinney CCOB

## NORTH PARK PUD

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Land Investments, LLC or an affiliated entity thereof.

*TIS* see definition for Traffic Study.

**TOWNHOME** – See definition for Single Family Attached Dwelling.

**TOWNHOUSE** – See definition for Single Family Attached Dwelling.

**TRACT** means a portion of land included in a subdivision that is not intended for development which includes a building containing residential or non-residential uses. It may or may not have public right-of-way access. Common uses include, but are not limited to, easements, recreation gardens, public common areas or drainage detention. Nothing herein prevents a Tract from being further subdivided into smaller Lots provided it meets all BMC requirements therefore.

**TRAFFIC STUDY** means a traffic analysis report, the requirements of which are set forth in BMC Section 16-08-101(O).

**TRANSIT CENTER** means a bus stop, bus terminals, light rail stops, light rail terminals, transfer points, etc. related to public regional transit systems.

**TRANSPORTATION PLAN** means the Broomfield 2005 Transportation Plan as amended or superseded.

**TWO FAMILY ATTACHED DWELLING** See definition for Single Family Attached Dwelling.

**URBAN CENTER CORE** 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. Refer to Section 9.

**USES BY SPECIAL REVIEW** means those uses listed as such in Section 1 of the PUD which are reviewed in accordance with Section 12.3.3.C.

**VARIANCE LIST** means the list of variances from the provisions of Titles 14, 16 and 17 of the BMC approved by City Council which are set forth as Appendix B in Section 15 of the PUD, together with any identified approved variances added to such list for clarification that are minor in nature, clearly shown or described in the PUD documents, and are consistent with the intent and purpose of the PUD as determined in the sole discretion of the City and County Manager.

**VARIATION** means a grant of relief from the requirements of the Design Standards that permits construction in a manner that would otherwise be prohibited by the PUD. Variations are processed in accordance with Section 12.2.4.B.

**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 PUD under the terms and conditions of the Controlling Documents and applicable law.

**VESTING AGREEMENT** means the Amended and Restated Vesting Agreement for North Park PUD between Broomfield and the Developer approved by the City Council on November 17, 2009 and on file with Broomfield.

**VESTING PERIOD** means the various periods of Vested Property Rights afforded Parcels and Subparcels within the PUD as set forth in Section 2 of the Vesting 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 materials 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, upholstering, custom care or motorcycle restoring or other similar uses.