

**ORDINANCE NO. 04-734**

**ORDINANCE TO CORRECT SCRIVENER'S ERRORS IN  
ORDINANCE 03-699 PERTAINING TO LAND USE ACTION 03-  
00400005 AS ADOPTED BY CITY COUNCIL ON JANUARY 14,  
2003, TO CONFORM THE ORDINANCE TO THE PLANNING  
COMMISSION'S ACTUAL RECOMMENDATION OF  
DECEMBER 18, 2002.**

WHEREAS, the Lake Havasu City Planning Commission considered a zone change request for property described as Tract 2307, Block 4, Lots 1-5 lying within the boundaries of Lake Havasu City, Arizona, and Staff's recommended conditions for approval on December 18, 2002, and

WHEREAS, the Planning Commission amended Staff's recommended conditions number one and four and added four additional conditions for approval before forwarding the zone change request to the City Council for action, and

WHEREAS, in preparing the proposed ordinance reflecting the Planning Commission's amended and additional conditions, Staff erred by not accurately reflecting the Planning Commission's amendments to conditions one and four, and

WHEREAS, the Planning Commission's intentions are clearly indicated in the minutes of their December 18, 2002, meeting, and

WHEREAS, the City Council considered the zone change request on January 14, 2003, including both the Planning Commission and Staff recommended conditions, and

WHEREAS, the applicant for the zone change request was present and specifically accepted the Planning Commission's recommended conditions, and

WHEREAS, Staff stated they were comfortable with the Planning Commission's recommended conditions, and,

WHEREAS, Council members specifically discussed the elimination of the 25-foot setback or buffer along the rear of the property and were advised by Staff that the six-foot wall would still be required if the buffer were eliminated, and

WHEREAS, the City Council's intention was to approve the zone change with the Planning Commission's recommended conditions,

THEREFORE, BE IT NOW ORDAINED, by the Mayor and City Council of Lake Havasu City, Mohave County, Arizona, that the scrivener's errors manifest in Ordinance 03-699 be amended and the ordinance read as follows:

SECTION 1: That property described as Tract 2307, Block 4, Lots 1-5 lying within the boundaries of Lake Havasu City, Arizona, shall be and is hereby reclassified from R-4 (Multi-family Residential) District to C-2/PD (General Commercial/Planned Development ) with the following conditions:

1. The rear property line of all lots shall include a six-foot masonry wall that is architecturally compatible with proposed structures. A standard detail for the six-foot wall shall be included in the PD master plan.
2. Construction of a three-foot high decorative masonry wall along Kiowa Boulevard that runs the entire length of the project frontage.
3. The required ten-foot landscape area along the Kiowa Boulevard frontage shall reflect a cohesive design that clearly reflects a unified development, and shall include irrigation.

4. A master grading plan shall be provided to the Development Review Committee prior to the issuance of the first grading permit.
5. Any projects proposed within the PD shall comply with all other C-2 zoning requirements and community design standards and guidelines.
6. The rear wall of the buildings are to satisfy STC rating of 45 or greater and are to have no openings in the rear and the wall shall include a parapet to obscure the air conditioning units.
7. No outside storage shall be allowed in the rear yards.
8. All permitted uses shall be contained within the buildings.
9. There shall be no perpendicular screen walls or fences permitted above grade within the rear easement.

SECTION 2: That the General Development Plan for the herein described property is hereby approved as a guide for future development of the site pursuant to Chapter 14.67 of the Lake Havasu City Zoning Code.

SECTION 3: The official copy of the General Development Plan as hereby approved shall be kept in the office of the Zoning Administrator until such time as the plan has been fully implemented.

PASSED AND ADOPTED by the City Council of Lake Havasu City, Arizona, this 23rd day of March, 2004.

APPROVED this 23rd day of March, 2004, by the affirmative majority vote of the Lake Havasu City Council.

APPROVED: Bob Whelan  
Bob Whelan, Mayor

ATTEST:

Carla Simendich  
Carla Simendich, City Clerk

APPROVED AS TO FORM:

Maureen George  
Maureen George, City Attorney

REVIEWED BY:

Lloyd Harrell  
Lloyd Harrell, Interim City Manager