

**ORDINANCE NO. 08-940**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF LAKE HAVASU CITY, MOHAVE COUNTY, ARIZONA, AMENDING TITLE 14 OF THE LAKE HAVASU CITY CODE TO INCLUDE SECTION 14.12.080 ENTITLED "COMMERCIAL AND HEALTH DISTRICT"**

**BE IT ORDAINED**, by the Mayor and City Council of Lake Havasu City, Mohave County, Arizona, that Title 14 of the Lake Havasu City Code be amended to include Section 14.12.080 entitled, "Commercial and Health District" as follows:

**14.12.080 – Commercial and Health District (CHD)**

**Purpose.**

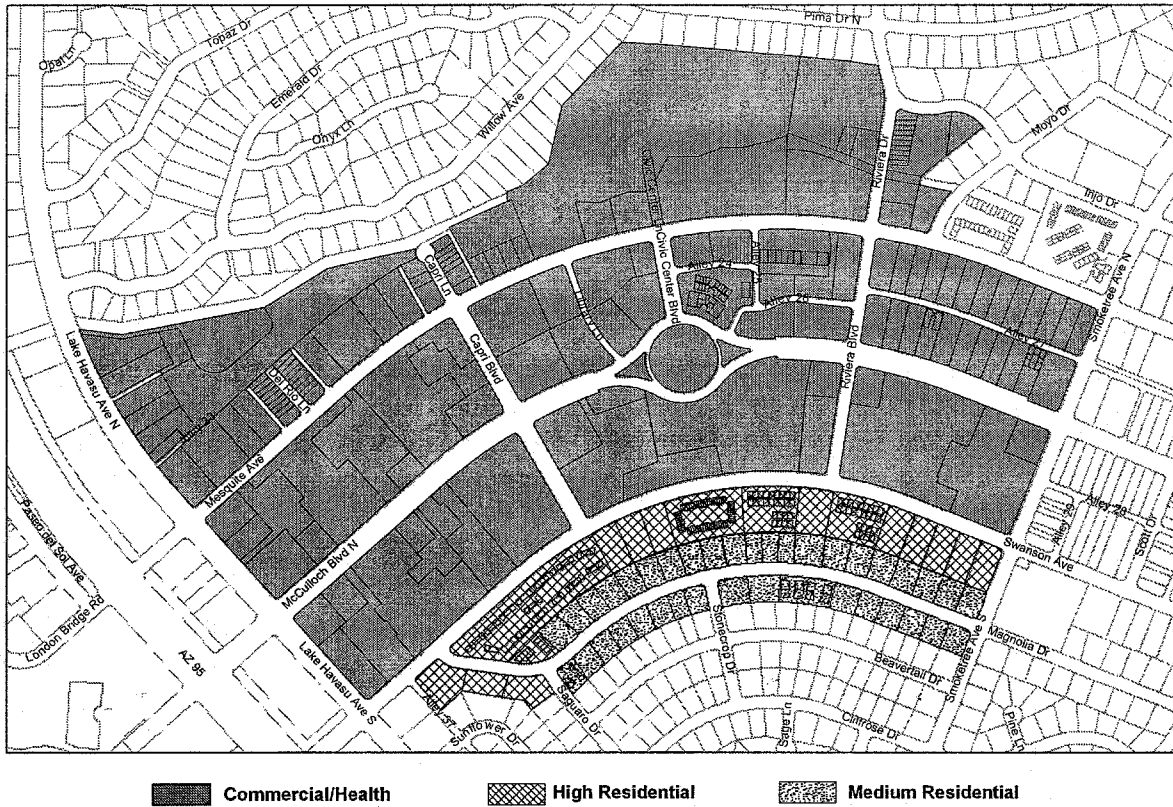
1. The purpose of this Section is to regulate healthcare, office, commercial, and residential development located generally along McCulloch Boulevard between Lake Havasu and Smoketree Avenues to the east and west and Mesquite and Swanson Avenues to the north and south, referred to in this Development Code as the Commercial and Health District.
2. This segment of the McCulloch Boulevard corridor presents special development opportunities related to its identification as a connector between the Channel Riverwalk and Upper McCulloch Main Street Districts and as a portion of the "Main Street" of Lake Havasu City.
3. Another purpose of this Section is to promote and encourage the maintenance and concentration of existing and proposed healthcare facilities and their related uses. The district is intended to include the principal structures and related facilities of healthcare institutions as well as including commercial and office uses.
4. One intent of the development standards is to provide additional project density through increased building height with the understanding that the density increase will be balanced by requiring public pedestrian spaces which will promote public space utilization and connectivity throughout the Commercial and Health District.
5. The development and use standards contained in this Section are designed to implement the land use policies of the General Plan.

**Transect Zones and Regulating Plan**

1. The Commercial and Health District is comprised of three transect zones: Commercial and Health Services, High Residential, and Medium Residential. Each transect zone controls the placement and intensity of buildings and other uses of the property.

2. The properties within the Commercial and Health District shall be developed per the transect zone designation indicated on Figure 1 - Regulating Plan for the Commercial and Health District.

**Figure 1 - Regulating Plan for the Commercial and Health District**



**Commercial and Health Services Transect Zone**

**1. Permitted Uses.**

- a. Accessory retail sales
- b. Air ambulance heli-pads as medical accessory uses
- c. Ambulance services
- d. Art, antique, collectible, and gift stores
- e. Artisan shops
- f. Auto parts stores
- g. Automated teller machines (ATMs)
- h. Bakeries, retail only
- i. Banks and financial services
- j. Business support services
- k. Convenience stores (without motor fuel sales)
- l. Day care facilities
- m. Drive-in and drive-through sales (with conditional use permit)
- n. Furniture, furnishings, and appliance stores
- o. General retail

- p. Grocery stores
- q. Health/Fitness facilities
- r. Hospitals
- s. Libraries, museums, and galleries
- t. Medical offices
- u. Medical clinics
- v. Medical extended care
- w. Medical staff housing as accessory uses
- x. Medical laboratories
- y. Medical research facilities
- z. Medical retail and medical related services
- aa. Medical schools
- bb. Mortuaries, funeral homes
- cc. Offices
- dd. Outpatient surgery centers
- ee. Personal services
- ff. Post acute hospital care
- gg. Restaurants
- hh. Senior centers
- ii. Studios – Art, dance, martial arts, music, etc.
- jj. Veterinary clinics, animal hospitals (no boarding)

## **2. Development Standards.**

### **a. General Requirements**

- i. Site and architectural design shall comply with the applicable provisions of Chapter 14.30 (General Development Standards) of the Lake Havasu City Code unless otherwise noted within this Section.
- ii. A use shall not be established or a building permit shall not be issued for a new building or structure, or for the substantial alteration of any existing use, building or structure, until an application including elevations, plans, drawings, site plans and other documents have been reviewed and approved through Design Review.

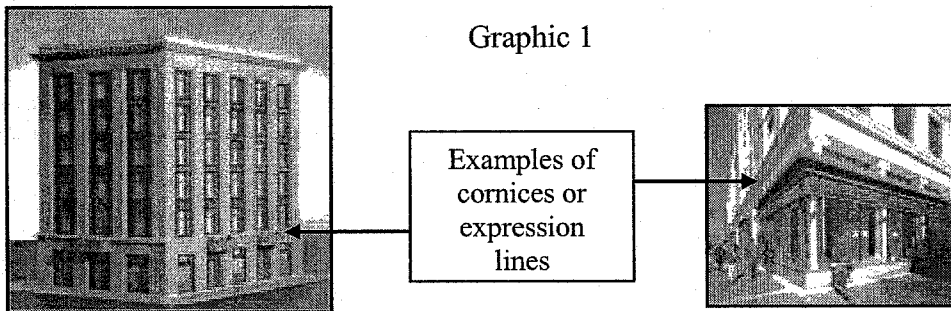
### **b. Building Height**

- i. Structures shall be limited to sixty (60) feet in height, except as described below:
  - 1. Hospital structures shall be limited to one-hundred (100) feet in height.
  - 2. Parking structures shall be limited to forty-eight (48) feet in height or the height of the primary structure, whichever is lower.
  - 3. Structures on properties influenced by parking-in-common areas shall be limited to a maximum of two stories and thirty-six (36) feet in height. This height limit applies to the following properties:
    - a. Tract 113, Block 1, Lots 1 through 19
    - b. Tract 113, Block 2, Lots 1 through 23
    - c. Tract 113, Block 3, Lot 1
    - d. Tract 2269, Block 1, Lots 1 through 13
    - e. Tract 2310, Block 1, Lots 1 through 24
    - f. Tract 2312, Block 2, Lots 1 through 11

- ii. When determining building height, twenty (20) percent of the roof area may be used to exceed the building height for stairways, parapets, elevator shafts, air conditioners, mechanical rooms, heli-pads, and other similar features.
- c. **Building Setbacks**
  - i. Lots abutting the McCulloch Boulevard right-of-way shall have a twenty (20) foot building setback.
  - ii. Lots abutting other rights-of-way (excluding alleys) shall have a ten (10) foot building setback.
  - iii. Due to the influence of existing parking-in-common uses, the building setback requirements described above shall not apply to the following properties:
    1. Tract 113, Block 1, Lots 11 through 19
    2. Tract 113, Block 2, Lots 1 through 9
    3. Tract 113, Block 2, Lots 15 through 23
    4. Tract 2269, Block 1, Lots 5 through 13
    5. Tract 2310, Block 1, Lots 2 through 24
    6. Tract 2312, Block 2, Lots 2 through 11

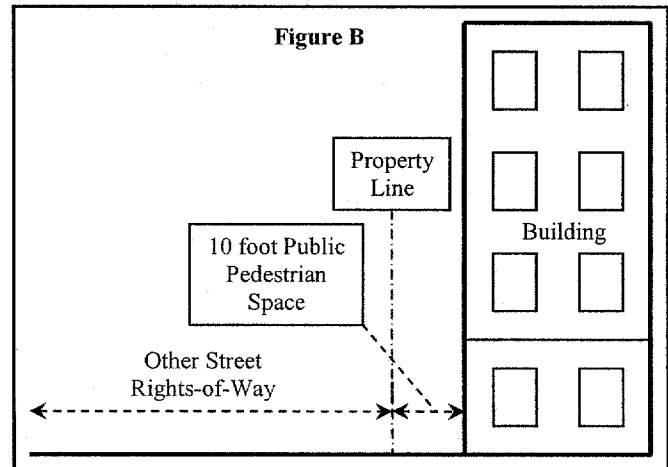
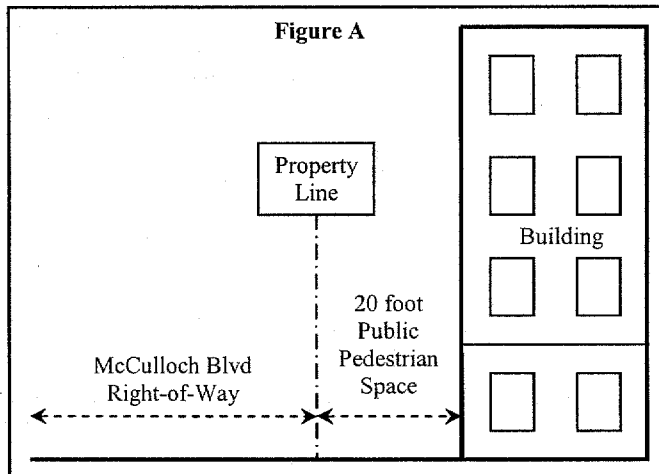
### 3. Building Design & Materials

- a. Any single horizontal building plane shall not exceed one-hundred fifty (150) feet unless it is designed so as to prevent long monolithic building frontages.
- b. Cornices, expression lines, or other architectural features shall be incorporated into the building design in such a manner so as to define the street level space. See Graphic 1.



### 4. Public Pedestrian Space

- a. One goal of the Commercial and Health District is to maintain and expand the City's opportunity to provide functional and attractive public pedestrian spaces which will promote public space utilization and connectivity throughout the Commercial and Health District.
- b. Developments shall provide the following public pedestrian space:
  - i. The first twenty (20) feet adjacent to the right-of-way for those lots abutting McCulloch Boulevard. See Figure A.
  - ii. The first ten (10) feet adjacent to the right-of-way for those lots abutting all other streets (excluding alleys). See Figure B.



iii. Due to the influence of existing parking-in-common uses, the public pedestrian space requirements described above shall not apply to the following properties:

1. Tract 113, Block 1, Lots 11 through 19
2. Tract 113, Block 2, Lots 1 through 9
3. Tract 113, Block 2, Lots 15 through 23
4. Tract 2269, Block 1, Lots 5 through 13
5. Tract 2310, Block 1, Lots 2 through 24
6. Tract 2312, Block 2, Lots 2 through 11

c. The public pedestrian space shall:

- i. Include amenities that encourage public use of the space.
- ii. Be made available to the public at all times.
- iii. Be designed to provide linkages to building entrances.
- iv. Be developed in a manner that ensures linkage and continuity with adjacent properties.
- v. Be landscaped in accordance with the Commercial and Health District Landscape and Streetscape Plan.

## 5. Parking

- a. Parking requirements within the Commercial & Health Services Transect shall comply with Section 14.36.030 of the Lake Havasu City Code.
- b. Parking areas shall be setback a minimum of twenty (20) feet from the McCulloch Boulevard right-of-way and a minimum of ten (10) feet from all other rights-of-way (excluding alleys).
- c. Due to the influence of existing parking-in-common uses, the parking requirements and parking setback areas described above shall not apply to the following properties:
  - i. Tract 113, Block 1, Lots 11 through 19
  - ii. Tract 113, Block 2, Lots 1 through 9
  - iii. Tract 113, Block 2, Lots 15 through 23
  - iv. Tract 2269, Block 1, Lots 5 through 13
  - v. Tract 2310, Block 1, Lots 2 through 24
  - vi. Tract 2312, Block 2, Lots 2 through 11

## 6. Landscaping and Streetscape


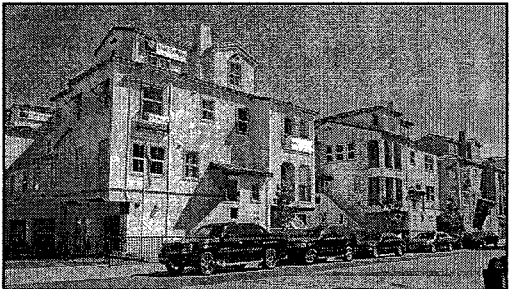

- a. Minimum landscaping and streetscape requirements shall be in conformance with the Commercial and Health District Landscape and Streetscape Plan.

### D. High Residential Transect Zone

#### 1. Permitted Uses.

- a. Permitted Uses
  - i. Community centers
  - ii. Multi-family dwellings
  - iii. Accessory dwelling units
  - iv. Residential
  - v. Residential accessory uses and structures
  - vi. Residential care facilities for the elderly
- b. Commercial uses are not permitted within the High Residential Transect zone.

#### 2. Development Standards.

- a. Each building shall be built ten (10) feet from front and rear property lines and shall have at least sixty (60) percent building frontage along the front property line. Side yard setbacks shall be a minimum of three (3) feet. Buildings shall include non-habitable building features which provide shade such as stoops, porches, canopies, and similar features and may encroach within the ten (10) foot setback area. Habitable building area is prohibited within the front setback. Garages shall not directly face the street and shall have architectural character compatible with the primary structure.
- b. Accessory structures may be built within three (3) feet of a side property line and within five (5) feet of the rear property line.
- c. Building height shall not exceed forty-two (42) feet. Accessory building height shall not exceed twenty (20) feet. Twenty percent of the roof area may be used to exceed the building height for stairways, parapets, elevator shafts, air conditioners, mechanical rooms and other similar features.
- d. Balconies and other architectural features may encroach up to fifty (50) percent of the 10-foot setback area above the first story.

### 3. Parking.

- a. Parking requirements within the High Residential Transect shall be as follows:
  - i. One parking space per unit;
  - ii. All required parking must be covered; and
  - iii. No RV or guest parking is required.
- b. Parking requirements may be satisfied through a joint use agreement with adjacent properties. The parking areas shall not cross a right-of-way and a parking plan for all joint uses shall be approved through the Design Review process.

### 4. Landscaping and Streetscape

- a. Minimum landscaping and streetscape requirements shall be in conformance with the Commercial and Health District Landscape and Streetscape Plan.

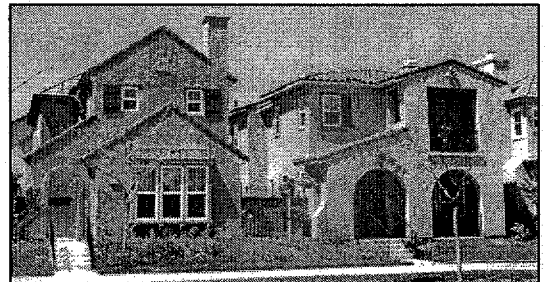
## E. Medium Residential Transect Zone

### 1. Permitted Uses.

- a. Permitted Uses
  - i. Community centers
  - ii. Multi-family dwellings
  - iii. Accessory dwelling units
  - iv. Residential
  - v. Residential accessory uses and structures
  - vi. Residential care facilities for the elderly
- b. Commercial uses are not permitted within the Medium Residential Transect zone.

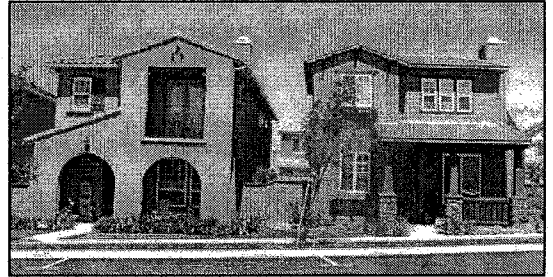
### 2. Development Standards.

- a. Each building shall be built twenty (20) feet from front property line and 10 feet from the rear property line and shall have at least sixty (60) percent building frontage along the front property line. Side yard setbacks shall be a minimum of three (3) feet. Buildings shall include non-habitable building features which provide shade such as stoops, porches, canopies, and similar features stoops, porches, canopies, colonnades, arcades, and similar features and may encroach to within the ten (10) feet of the front property line. Habitable building area is prohibited within the front setback. Garages are encouraged to be built as to not directly face the street or alleys and shall have architectural character compatible with the primary structure.
- b. Accessory structures may be built within three (3) feet of a side property



line and within five (5) feet of the rear property line.

- c. Building height shall not exceed thirty (30) feet except properties that abut single-family zoned property shall not exceed eighteen (18) feet. Accessory buildings shall not exceed eighteen (18) feet except properties that abut a single-family zoned property shall not exceed fifteen (15) feet. Twenty percent of the roof area may be used to exceed the building height for stairways, parapets, elevator shafts, air conditioners, mechanical rooms and other similar features.
- d. Balconies and other architectural features may encroach up to twenty-five (25) percent of the twenty (20) foot setback area above the first story.



### **3. Parking.**

- a. Parking requirements within the Medium Residential Transect shall be as follows:
  - i. One parking space per unit;
  - ii. All required parking must be covered; and
  - iii. No RV or guest parking is required.
- b. Parking requirements may be satisfied through a joint use agreement with adjacent properties. The parking areas shall not cross a right-of-way and a parking plan for all joint uses shall be approved through the Design Review process.

### **4. Landscaping and Streetscape**

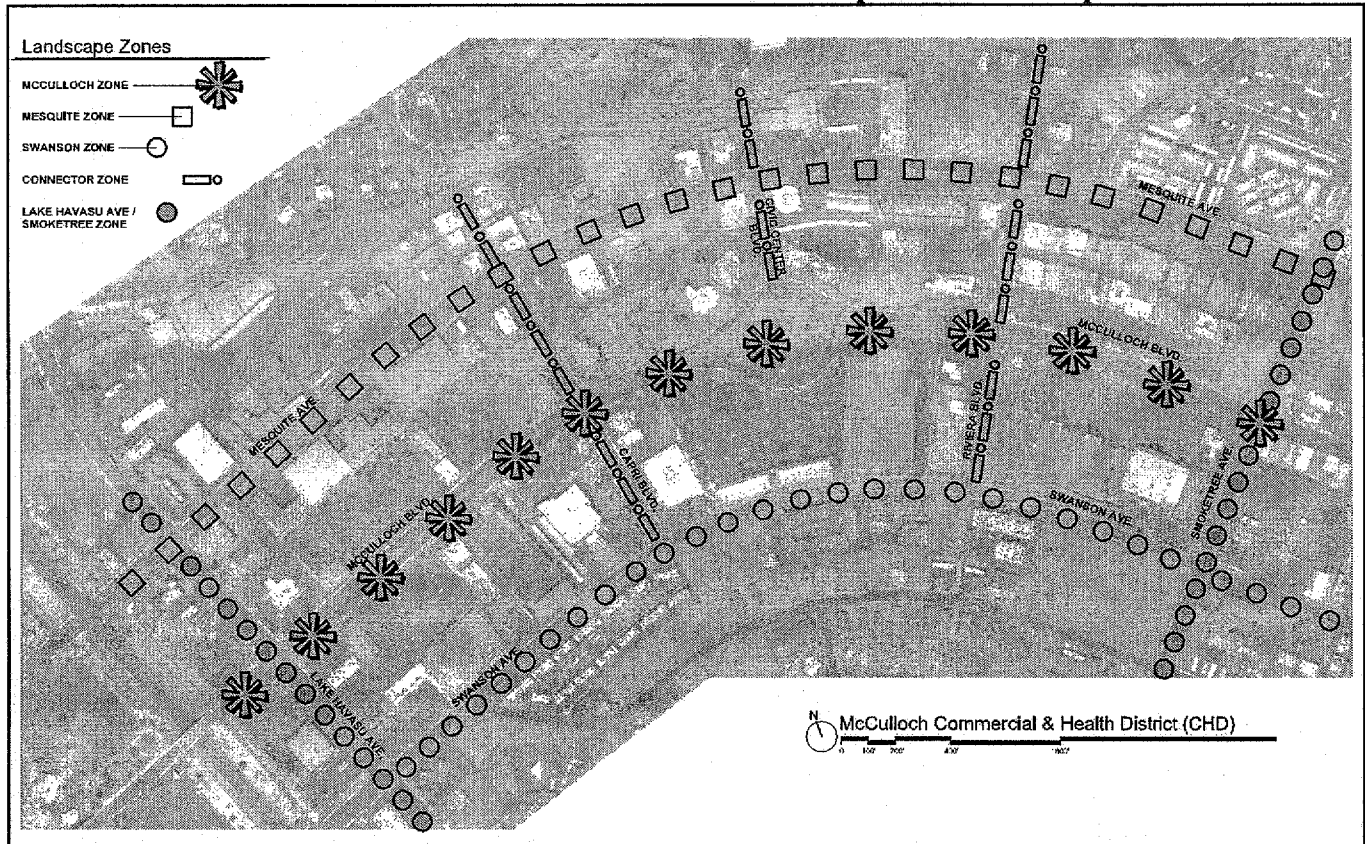
- a. Minimum landscaping and streetscape requirements shall be in conformance with the Commercial and Health District Landscape and Streetscape Plan.

## **F. Commercial and Health District Landscape and Streetscape Plan**

### **1. Commercial and Health District Landscape and Streetscape Zones**

- a. The following are the landscape and streetscape standards for the Commercial and Health District. These improvements are to be implemented to achieve a cohesive and visually appealing environment. Properties that front more than one street will be required to implement all applicable landscape and streetscape zones.
- b. The Master Landscape and Streetscape Plan for the Commercial and Health Transect is shown as Figure C.

**Figure C**  
**Commercial and Health Transect Master Landscape and Streetscape Plan**

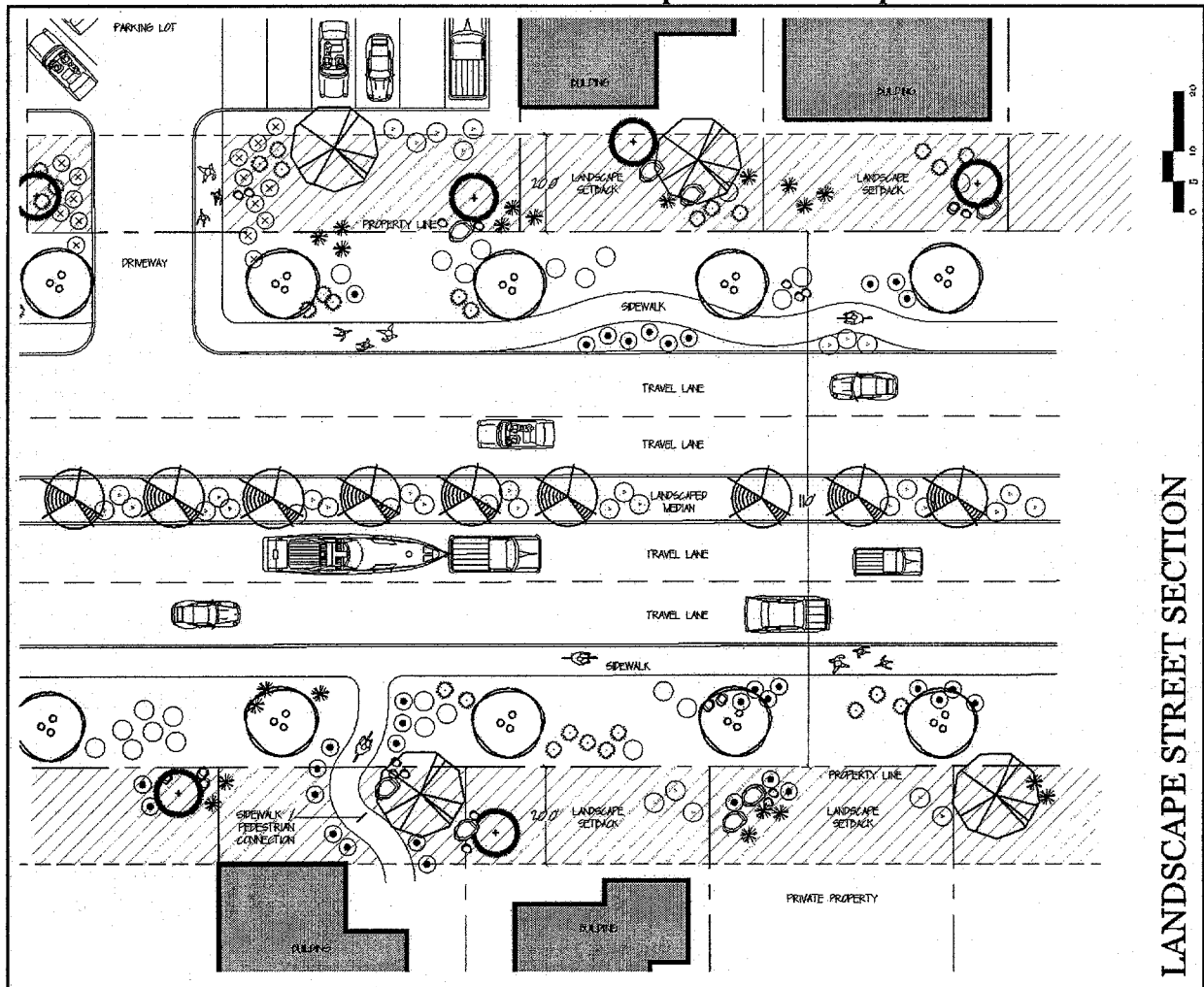


- c. The Commercial and Health Transect landscape and streetscape standards will be divided into five zones shown in Figure C and detailed in Figures D and E as follows:
- i. McCulloch Zone – Properties along McCulloch Boulevard.
  - ii. Mesquite Zone – Properties along Mesquite Avenue.
  - iii. Swanson Zone – Properties along Swanson Avenue.
  - iv. Lake Havasu Ave/Smoketree Zone – Properties along Lake Havasu or Smoketree Avenues.
  - v. Connector Zone – Properties along all other rights-of-way.

**2. McCulloch Zone**

- a. Figure D depicts the McCulloch Landscape and Streetscape Zone.
- b. Figure F lists the plant types which will be utilized within the McCulloch Landscape and Streetscape Zone.
- c. Properties do not need to provide additional landscaping outside the requirements of the master landscape plan.
- d. Each property will be required to have at least one Date Palm within the median and one Palo Verde within the pedestrian/sidewalk area.

**Figure D  
McCulloch Zone Landscape and Streetscape**



**3. Mesquite Zone**

- a. Figure E depicts the Mesquite Landscape and Streetscape Zone.
- b. Figure F lists the plant types which will be utilized within the Mesquite Landscape and Streetscape Zone.
- c. Each property will be required to have at least one Mesquite and/or Shoestring Acacia within the pedestrian/sidewalk area. The trees should have an alternating pattern by property as to not have a high density of one species within the same area.

**4. Swanson Zone**

- a. Figure E depicts the Swanson Landscape and Streetscape Zone.
- b. Figure F lists the plant types which will be utilized within the Swanson Landscape and Streetscape Zone.
- c. Each property will be required to have at least one Elder Pine and/or Sweet Acacia within the pedestrian/sidewalk area. The trees should have an alternating pattern by property as to not have a high density of one species within the same area.

**5. Lake Havasu/Smoketree Zone**

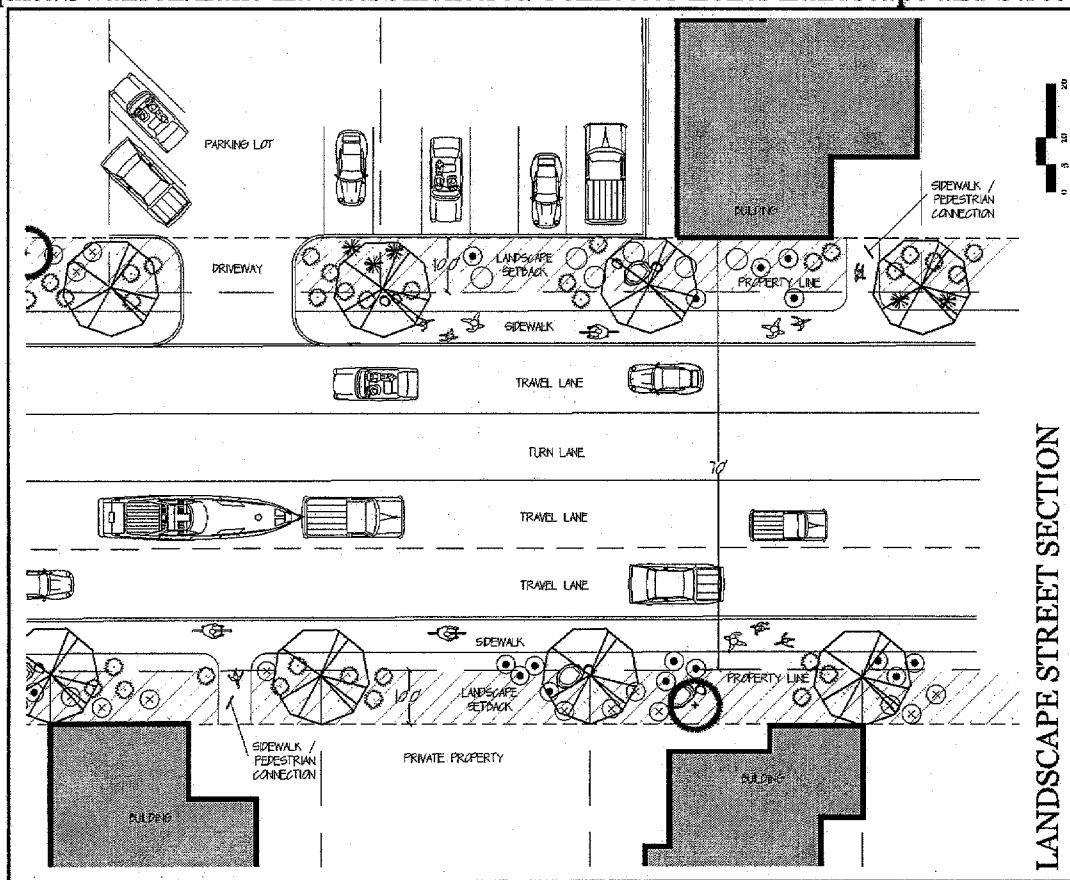
- a. Figure E depicts the Lake Havasu/Smoketree Landscape and Streetscape Zone.
- b. Figure F lists the plant types which will be utilized within the Lake Havasu/Smoketree Landscape and Streetscape Zone.
- c. Each property will be required to have at least one Mexican Fan Palm and/or Palo Verde within the pedestrian/sidewalk area. The trees should have an alternating pattern by property as to not have a high density of one species within the same area.

**6. Connector Zone**

- a. Figure E depicts the Connector Landscape and Streetscape Zone.
- b. Figure F lists the plant types which will be utilized within the Connector Landscape and Streetscape Zone.
- c. Each property will be required to have at least one Mexican Fan Palm.

**Figure E**

**Mesquite/Swanson/Lake Havasu/Smoketree/Connector Zones Landscape and Streetscape**



**Figure F**  
**Landscape Zone Allowed Plant Materials**

<b>Landscape Zone</b>	<b>Allowed Plant Materials</b>
McCulloch	Date Palm, Mexican Fan Palm, Hybrid Palo Verde, Agave Species, Texas Ranger, Bird of Paradise, Lantana
Swanson	Elder Pine, Sweet Acacia, Fairy Duster, Rosemary, Desert Ruellia, Texas Ranger, Desert Spoon
Mesquite	Mesquite Species, Shoestring Acacia, Texas Ranger, Bougainvillea, Bird of Paradise, Red Yucca
Lake Havasu/Smoketree	Hybrid Palo Verde, Mexican Fan Palm, Bougainvillea, Fairy Duster, Lantana, Desert Spoon, Red Yucca, Agave
Connector	Mexican Fan Palm, Giant Hesperaloe, Texas Ranger, Red Yucca, Agave, Deer Grass

- d. Within the High Residential and Medium Residential Transects the following landscape requirements will apply:
- i. A minimum of twenty (20) percent landscaping is required and plants must be a water conserving plant as listed on the Lake Havasu City Water Conserving Plant List or as otherwise approved through Design Review.
  - ii. Each property is required to have at least one tree in the rear yard.
  - iii. All landscape and open space areas not otherwise dedicated to buildings or parking must have as a minimum landscape rock ground cover.
  - iv. Landscaping should not be used to separate a front yard from front yards on adjacent properties.
  - v. Front yard trees at maturity should be less than half the height of the building and cannot be located within the side setbacks.
  - vi. Small scale landscaping not to exceed three (3) feet in height at maturity is permitted within the side setbacks.
  - vii. Developments with courtyards must provide at least one tree within the courtyard for shade.

**7. General Standards for all Landscape and Streetscape Zones**

- a. Landscaping and streetscape installed as required by the Master Commercial and Health District Landscape and Streetscape Plan will be credited towards meeting the minimum ten (10) percent landscape requirement within the commercial areas.
- b. Landscaping and streetscape installed as required by the Master Commercial and Health District Landscape and Streetscape Plan will be credited towards meeting the minimum ten (10) foot wide landscape strip adjacent to a right-of-way.
- c. Landscaping is to be planted within the landscape areas of the sidewalk/pedestrian area within each zone.
- d. Plant location and density of landscaping will be approved as part of the Design Review process.

## **G. Design Review**

### **1. Applicable Review Authority**

- a. The Planning Commission shall be the responsible authority for the review and approval of all Design Review applications related to the Commercial and Health District. The Planning Commission shall conduct a hearing on an application before the approval or disapproval of the Design Review. The Director shall submit a staff report and recommendation to the Planning Commission for their consideration.
- b. A use shall not be established or a building permit shall not be issued for a new structure, or for the substantial alteration of any existing use or structure, until a Design Review application including drawings, elevations, plans, site plans, and other documents have been reviewed and approved by the Planning Commission.
- c. The Director may approve minor changes to an approved site plan, architecture, or nature of the approved use as long as the changes are consistent with all provisions of the Lake Havasu City Code and the Commercial and Health District. No hearing is required for the Director's action on a minor change to a Design Review.

### **2. Appeal of Planning Commission Decision**

- a. The applicant, or any owner of property within three-hundred (300) feet of the subject site, may appeal the Planning Commission's decision to the City Council, in compliance with Chapter 14.60 (Appeals) of the Lake Havasu City Code.
- b. The appeal of the Planning Commission's decision shall be submitted in writing to the Development Services Department within fifteen (15) days of the date the Planning Commission rendered their decision. After receipt of a written request for appeal a hearing will be scheduled no later than thirty (30) days following the receipt of the appeal.
- c. The City Council may uphold, uphold in part, or reverse the action, determination, or decision made by the Planning Commission. The City Council may also adopt additional conditions of approval deemed reasonable and necessary.

## **H. Exceptions**

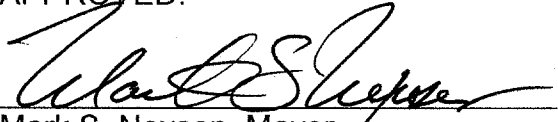
Exceptions from the development standards for the Commercial and Health District may be requested through the planned unit development process as outlined in Section 14.44.070 of the Lake Havasu City Code.

## **I. Legal nonconforming uses and structures.**

Nonconforming uses and structures legally existing on or before the effective date of this Section may continue; provided that when the uses or structures are modified, the uses and structures shall be brought into compliance with the provisions of this Section.

**PASSED AND ADOPTED** by the City Council of Lake Havasu City, Arizona, this  
26 day of August, 2008.

APPROVED:

  
Mark S. Nexsen, Mayor

ATTEST:

  
Carla Simendich, City Clerk

APPROVED AS TO FORM:

  
Kelly Garry, Acting City Attorney

REVIEWED BY:

  
Richard Kaffenberger, City Manager