

Division 1: Enactment, Applicability, and Enforcement

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Section 9101.01 – Purpose and Applicability of the Development Code

Subsections:

9101.01.010 Title
9101.01.020 Purpose and Authority
9101.01.030 Relationship to Prior Ordinances
9101.01.040 Prior Rights and Violations
9101.01.050 Relationship to General Plan
9101.01.060 Relationship to CEQA
9101.01.070 Relationship to Design Guidelines
9101.01.080 Exemptions for City Projects
9101.01.090 Severability

9101.01.010 Title

This Chapter 1 of Article IX (Division and Use of Land) of the City of Arcadia Municipal Code shall be known as the "City of Arcadia Development Code" and referred to as the "Development Code."

9101.01.020 Purpose and Authority

This Development Code is intended to regulate the use and development of land within the City consistent with the City of Arcadia General Plan. It is also the intent of this Development Code to promote orderly development; protect the public health, safety, and general welfare; protect the character, social diversity, and economic vitality of neighborhoods and business districts; and ensure that new uses and development benefit the City.

This Development Code is enacted based on the authority vested in the City of Arcadia and the State of California, including but not limited to the State Constitution, Planning and Zoning Law (California Government Code Section 65000 et seq.), the Subdivision Map Act (Government Code Sections 66410 et seq.), and the California Health and Safety Code.

9101.01.030 Relationship to Prior Ordinances

The provisions of this Development Code, as it existed prior to the effective date of Ordinance No. 2341, are repealed and superseded as provided in the ordinance enacting this Chapter 1. No provision of this Development Code shall validate or legalize any land use or structure established, constructed, or maintained in violation of the Development Code as it existed prior to repeal by the ordinance enacting this Development Code, except as addressed by nonconformities created by this Development Code.

9101.01.040 Prior Rights and Violations

The enactment of this Development Code shall not terminate nor otherwise affect vested land use development permits, approvals, or agreements authorized under the provisions of any ordinance or resolution, nor shall violation of any prior ordinance or resolution be excused by the adoption of this Development Code.

9101.01.050 Relationship to General Plan

This Development Code is the primary tool used by the City to carry out the goals, objectives, and policies of the General Plan. It is intended that all provisions of this Development Code be consistent with the General Plan and that any development, land use, or subdivision approved in compliance with these regulations will also be consistent with the General Plan.

9101.01.060 Relationship to CEQA

When a project application pursuant to the provisions of this Zoning Code is determined to be subject to the provisions of the California Environmental Quality Act (CEQA), the application shall be reviewed in accordance with the provisions of this Development Code, CEQA (Public Resources Code, Section 21000 et seq.), the CEQA Guidelines (Title 14, California Code of Regulations, Section 15000 et seq.), and any environmental guidelines and other applicable rules adopted by the City.

9101.01.070 Relationship to Design Guidelines

Any design guidelines adopted by the City shall be considered complementary to the development and design standards set forth in this Development Code. In the event of any conflict between adopted design guidelines and the provisions of the Development Code, the provisions of the Development Code shall govern.

9101.01.080 Exemptions for City Projects

Activities of the City of Arcadia shall be exempt from the requirements of this Development Code.

9101.01.090 Severability

If any portion of this Development Code is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such determination shall not affect the validity, constitutionality, or enforceability of the remaining portions of this title. The Council hereby declares that this Chapter and each division, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and portion thereof is adopted without regard to the fact that one or more portions of this Chapter may be declared invalid, unconstitutional, or unenforceable.

Section 9101.02 – Interpretation of the Development Code Provisions

Subsections:

9101.02.010 Purpose and Intent
9101.02.020 Rules of Interpretation
9101.02.030 Procedures for Interpretation
9101.02.040 Uses Not Classified
9101.02.050 Illustrations

9101.02.010 Purpose and Intent

The purpose of this Section is to specify the authority and procedures for clarifying any ambiguity in the regulations of this Development Code, and to ensure the Development Code's consistent interpretation and application.

9101.02.020 Rules of Interpretation

Amended by Ord. No. 2375

- A. Authority.** The Director has the authority to interpret provisions of this Development Code according to Subsection 9101.02.030 (Procedures for Interpretation). Whenever the Director determines that the meaning or applicability of a Development Code requirement is subject to interpretation, the Director shall issue a written interpretation. The Director may also refer any issue of interpretation to the Commission for a determination. The Director may defer authority or interpretation, reviews, and approval to a designee. This shall be applied throughout the Development Code.
- B. Terminology.** When used in this Chapter, the following rules apply to all provisions of this Development Code:
1. **Language.** When used in this Development Code, the words "shall," "must," "will," "is to," and "are to" are mandatory. "Should" is not mandatory but is strongly recommended, and "may" is permissive.
 2. **Tense.** The present tense includes the past and future tense, and the future tense includes the present.
 3. **Number.** The singular number includes the plural number, and the plural the singular, unless the natural construction of the words indicates otherwise.
 4. **Calculations**
 - a. **Residential Density.** When the number of dwelling units allowed on a site is calculated based on the minimum site area per dwelling unit, any fraction of a unit shall be rounded down to the next lowest whole number. An Administrative Modification pursuant to Section 9107.05 (Administrative Modifications) may be approved to round up a fraction of a unit equal to or greater than 0.5. For projects eligible for a density bonus pursuant to Government Code Section 65915 or any successor statute and Section 9103.15 (Density Bonus for Affordable and Senior Housing), any fractional number of permitted density bonus units shall be rounded up to the next whole number.
 - b. **Other Calculations.** For calculations other than residential density, the fractional/decimal results of calculations of one-half (0.5) or greater shall be rounded up to the nearest whole number and fractions of less than one-half (0.5) shall be rounded down to the nearest whole number, except as otherwise provided.
 5. **Conjunctions.** "And" indicates that all connected items or provisions shall apply. "Or" indicates that the connected items or provisions may apply singly or in any combination. "Either...or" indicates that the connected items and provisions shall apply singly but not in combination. "Includes" and "including" shall mean "including but not limited to."

- 6. **Local Reference.** “City” as used in this Development Code means the City of Arcadia, and all public officials, bodies, and agencies referenced are those of the City unless otherwise stated.
- 7. **Definitions.** As defined in Division 9 (Definitions) and/or as determined/interpreted by the Director.
- C. **Number of Days.** Whenever the number of days is specified in this Development Code, or in any permit, condition of approval, or notice issued or given as provided in this Development Code, the number of days shall be construed as calendar days, unless otherwise specified. When the last of the specified number of days falls on a weekend or City holiday, time limits shall extend to the end of the next working day.
- D. **Minimum Requirements.** When interpreting and applying the regulations of this Development Code, all provisions shall be considered to be minimum requirements, unless specifically stated otherwise.

9101.02.030 Procedures for Interpretation

- A. **Authority of Director to Interpret; Referral to Commission.** Whenever the Director or designee determines that the meaning or applicability of any of the requirements of this Development Code is subject to interpretation generally, or as applied to a specific case, the Director may issue an official interpretation or refer the question to the Commission for determination.
- B. **Request for Interpretation.** Any party may file a request for an interpretation or determination of this Development Code with the Director and shall include with such request the specific provisions in question and any other information necessary to assist the Director in the review.
- C. **Record of Interpretation/Determinations.** All interpretations and determinations by the Director and Commission shall be made in writing, and a permanent record of such interpretations and determinations shall be kept.
- D. **Appeals.** Any interpretation of this Development Code by the Director or Commission may be appealed in compliance with Section 9108.07 (Appeals).

9101.02.040 Uses Not Classified **Amended by Ord. No. 2375**

- A. **Use Not Listed Is Not Allowed.** If a use of land is not specifically listed in Division 2 (Zones, Allowable Uses, and Development Standards), the use shall not be allowed, except as provided below.
- B. **Director’s Determination.** Based on the authority granted in Subsection 9101.02.030 (Procedures for Interpretation), the Director may determine that a land use that is not listed in Division 2 (Zones, Allowable Uses, and Development Standards) may be allowed. In making this determination, the Director shall first make all of the following findings:
 - 1. The characteristics of, and activities associated with, the use are equivalent to those of one or more of the uses listed in the zone as allowable, and will not involve a greater level of activity, population density, intensity, traffic generation, parking, dust, odor, noise, emissions, or similar impacts than the uses listed in the zone;
 - 2. The use will meet the purpose/intent of the zone that is applied to the location of the use; and
 - 3. The use will be consistent with the goals, objectives, and policies of the General Plan and/or any applicable Specific Plan or Planned Development Permit.
- C. **Applicable Standards and Permit Requirements.** When the Director determines that an unlisted land use is equivalent to a listed use, the unlisted use will be treated in the same manner as the listed use in determining where the use is allowed, what permits are required, and what other standards and requirements of this Development Code apply.

- D. Uses Not Permitted in Arcadia.** Notwithstanding the above, Bail Bonds, Boarding Houses, short-term rental, home sharing, Check Cashing Establishments, personal recreational use, possession, purchase, transport, or dissemination of marijuana, and any other uses determined by the Director to have equivalent characteristics and activities to these prohibited uses shall not be treated as permitted or conditionally permitted uses in any zone of the City of Arcadia.

E. Marijuana Cultivation, Use and Violations

- 1. Outdoor Cultivation of Marijuana.** A person may not plant, cultivate, harvest, dry, or process marijuana plants outdoors in any zoning district of the City. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.
- 2. Indoor Cultivation of Marijuana**
 - a.** A person may not plant, cultivate, harvest, dry, or process marijuana plants inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, or inside any other enclosed structure within any zoning district of the City. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.
 - b.** To the extent a complete prohibition on indoor cultivation is not permitted under California law, a person may not plant, cultivate, harvest, dry, or process marijuana plants inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, unless the person is issued an indoor cultivation permit by the Planning Division. A person may not plant, cultivate, harvest, dry, or process marijuana plants inside any enclosed structure within any zoning district of the City which is not either a private residence or an accessory structure to a private residence located upon the grounds of a private residence.
 - c.** The Planning Division will issue application and processing guidelines for the indoor cultivation permit. No indoor cultivation permit shall be issued prior to the release of these guidelines, and no permit shall be granted which has not complied fully with the application and processing requirements.
- 3. Medical Use of Marijuana**
 - a.** Cultivation of medical marijuana pursuant to Section 11362.77 of the California Health & Safety Code is subject to the cultivation requirements laid out in Subsection 9101.020.040.D.3 (Indoor Cultivation of Marijuana).
 - b.** The establishment or operation of any medical marijuana collective, cooperative, dispensary, delivery service, operator, establishment, or provider shall be considered a prohibited use in all zoning districts of the City. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment of any collective, cooperative, dispensary, delivery service, operator, establishment, or provider in any zoning district, and no person shall otherwise establish such businesses or operations in any zoning district.
- 4. Commercial Use of Marijuana.** The establishment or operation of any business of commercial marijuana activity is prohibited. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment or operation of any such business or operation. Such prohibited businesses or operations may include, but are not limited to:
 - a.** The transportation, delivery, storage, distribution, or sale of marijuana, marijuana products, or marijuana accessories;
 - b.** The cultivation of marijuana;
 - c.** The manufacturing or testing of marijuana, marijuana products, or marijuana accessories; or
 - d.** Any other business licensed by the state or other government entity under Division 10 of the California Business & Professions Code, as it may be amended from time to time.

5. **Marijuana Violations.** No person, whether as principal, agent, employee or otherwise, shall violate, cause the violation of, or otherwise fail to comply with any of the requirements of this section. Every act prohibited or declared unlawful, and every failure to perform an act made mandatory by this section, shall be a misdemeanor or an infraction, at the discretion of the City Attorney or the District Attorney. In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any of the provisions of this section is declared a public nuisance and may be abated as provided in Section 1200 of this Municipal Code and/or under state law.

9101.02.050 Illustrations

In case of a conflict between the Development Code text and any diagram, illustration, or image contained in the Code, the text shall control.

9101.02.060 State Law Requirements

Where this Development Code refers to provisions of State law (for example, the California Government Code, Subdivision Map Act, Public Resources Code, etc.), the references shall be interpreted to be to the applicable State law provisions as they may be amended from time to time.

Section 9101.03 – Zones Established

Subsections:

9101.03.010 Purpose and Intent
9101.03.020 Establishment of Zones

9101.03.010 Purpose and Intent

Zones have been established to classify, regulate, and restrict the uses of land and buildings; regulate and restrict the height and bulk of buildings; regulate the area of yards and other open spaces about buildings; and regulate the density of people.

9101.03.020 Establishment of Zones Amended by Ord. No. 2400

- A. General.** The City is divided into zones to allow for orderly, planned development and to implement the General Plan. Table 1-1 (Zones Implementing the General Plan) identifies all zones. All zones shall be listed and appropriately designated on the official Zoning Map.
- B. Base Zone.** Every parcel shall have a base zone that establishes the primary type and intensity of land use permitted, along with development regulations for that particular type and intensity of land use.
- C. Overlay Zone.** An overlay zone supplements the base zone for the purpose of establishing special use or development regulations for a particular area in addition to the provisions of the underlying base zone. In the event of conflict between the base zone regulations and the overlay zone regulations, the provisions of the overlay zone shall apply.

Table 1-1 Zones Implementing the General Plan		
Zoning Map Symbol	Zone Description	Corresponding General Plan Land Use Designation
Residential Zones		
R-M	Residential Mountainous	Residential Estate
R-0 30,000	Low Density Residential	Residential Estate, Very Low Density Residential, Low Density Residential
R-0 22,000		
R-0 15,000		
R-0 12,500		
R-1 15,000	Low Density Residential	Very Low Density Residential, Low Density Residential
R-1 12,500		
R-1 10,000		Very Low Density Residential, Low Density Residential, Horse Racing, Commercial
R-1 7,500		
R-2	Medium Density Residential	Medium Density Residential
R-3-R	Restricted High Density Residential	High Density Residential
R-3	High Density Residential	High Density Residential
Commercial Zones		
C-O	Professional Office	Commercial

**Table 1-1
Zones Implementing the General Plan**

Zoning Map Symbol	Zone Description	Corresponding General Plan Land Use Designation
C-G	General Commercial	Commercial
C-M	Commercial Manufacturing	Commercial/Light Industrial
CBD	Commercial Business District	Commercial
C-R	Regional Commercial	Regional Commercial
Mixed Use Zones		
DMU	Downtown Mixed Use	Downtown Mixed Use
MU	Mixed Use	Mixed Use
Industrial Zones		
M-1	Industrial	Industrial
Specific Plans		
SP-SA1	Specific Plan – Santa Anita 1 (Hale Medical Center)	Commercial
SP-SP	Specific Plan – Seabiscuit Pacifica	Commercial
SP-ALC	Specific Plan – Arcadia Logistics Center	Commercial/Light Industrial
Special Zones		
S-1	Special Use (Santa Anita Racetrack)	Horse Racing, Commercial
PF	Public Facilities	Public/Institutional
OS-OR	Open Space – Outdoor Recreation	Open Space – Outdoor Recreation
OS-RP	Open Space – Resources Protection	Open Space – Resources Protection
RR	Rail Right-of-Way	Rail Right-of-Way
Overlay Zones		
P	Automobile Parking Overlay	
D	Architectural Design Overlay	
DO	Downtown Overlay	Downtown Overlay
DTP	Downtown Parking Overlay	
H	Special Height Overlay	
RTE	Race Track Event Overlay	
R-F	Residential Flex Overlay	
DMU	Downtown Mixed Use Overlay	

Section 9101.04 – Zoning Map

Subsections:

- 9101.04.010 Zoning Map Adopted by Reference
- 9101.04.020 Rights-of-way and Vacated Boundary Lines
- 9101.04.030 Uncertainty of Boundaries
- 9101.04.040 Classification of Annexed Lands

9101.04.010 Zoning Map Adopted by Reference

This Development Code, together with the zoning map, is hereby adopted in compliance with current State planning, zoning, and development laws. Changes in the boundaries of any identified zones shall be made by ordinance. The boundaries, designations, and locations of the zones established by this Development Code shall be shown upon the map(s) entitled "Zoning Map for the City of Arcadia" and referred to in this Development Code as the Zoning Map. Any additional maps (e.g., setback map, height map) adopted shall also be a part of this Development Code by reference.

9101.04.020 Rights-of-way and Vacated Boundary Lines

Where a public street or alley is officially vacated, the property areas associated with the vacated street or alley shall be included within the zone or zones of the adjoining properties. If the adjoining properties are in different zones, the boundary lines shall be the centerline of the former street or alley and the extension of the side yard lines of the abutting properties. In the event such street, alley, or right-of-way was a boundary between two or more different zones, the new zone or zone boundary shall be the property line that is created by the vacation.

9101.04.030 Uncertainty of Boundaries

If there is uncertainty about the location of a zone boundary shown on the official Zoning Map, the Director shall determine the location of the boundary in the following manner, except as provided in Subsection 9101.04.020 (Rights-of-way and Vacated Boundary Lines), above:

- A. Where a zone or area boundary approximately follows a parcel line, street line, or alley line, the parcel line, street centerline, or alley centerline shall be construed as the zone boundary.
- B. Where a zone or area boundary divides a parcel and the boundary line location is not specified by distances indicated on the subject map, the location of the boundary shall be determined by using the scale appearing on the map.

9101.04.040 Classification of Annexed Lands

- A. Any land annexed to the City of Arcadia shall be deemed to be zoned under such classification under this Development Code as is most nearly the equivalent zoning classification or General Plan land use designation of the City of Arcadia.
- B. Whenever it is deemed that the zoning of annexed lands is inconsistent with adopted General Plan land use policy or other City policies, the Commission may recommend and the Council may adopt the zone classifications which shall apply to the annexed lands in the manner prescribed in Division 7 (Permit Processing Procedures) for amending this Development Code.

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