

Division 4:

Regulations for Specific Land Uses and Activities

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Section 9104.01 – Purpose and Applicability

9104.01.010 Purpose

9104.01.020 Applicable Standards

9104.01.010 Purpose

This Division provides standards for the location, site planning, development, and operations of certain land uses that are allowed by Division 2 (Zones, Allowable Uses, and Development Standards) within individual or multiple zones, and for activities that require special standards to mitigate their potential adverse impacts.

9104.01.020 Applicable Standards

The land uses and activities covered by this Division shall comply with the provisions of each Subsection applicable to the specific use, in addition to all other applicable provisions of this Development Code and the Arcadia Municipal Code.

- A. Planning Permit Requirements.** Each use shall be located only where allowed by Division 2 (Zones, Allowable Uses, and Development Standards) and authorized by the planning permit/authorization specified by Division 2 (Zones, Allowable Uses, and Development Standards). Activities that are not listed in Division 2 shall be located and permitted only as identified in this Division 4 (Regulations for Specific Land Uses and Activities).
- B. Development Standards.** The standards for specific uses in this Division supplement and are required in addition to all other applicable provisions of this Development Code.
 - 1. The land use tables in Division 2 (Zones, Allowable Uses, and Development Standards) and the specific characteristics of the use, as defined in Division 9 (Definitions), determine when the standards of this Division apply to a specific land use.
 - 2. In the event of any conflict between the requirements of this Division and those of Division 2 (Zones, Allowable Uses, and Development Standards) or Division 3 (Regulations Applicable to All Zones), the requirements of this Division shall control.

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Section 9104.02 – Specific Uses and Activities

Subsections:

- 9104.02.010 Accessory Uses in Non-Residential Zones
- 9104.02.020 Adult Business Uses
- 9104.02.030 Agricultural Uses – Urban Agriculture, Small Animal and Fowl, and Horses
- 9104.02.040 Alcoholic Beverage Sales
- 9104.02.050 Antennas and Wireless Communication Facilities
- 9104.02.060 Arcades (Electronic Game Centers)
- 9104.02.070 Cottage Food Operations
- 9104.02.080 Day Care, General
- 9104.02.090 Day Care, Limited - Large Family (9-14 Children)
- 9104.02.100 Day Care, Limited - Small Family (8 or fewer children)
- 9104.02.110 Displays and Retail Activities - Outdoor
- 9104.02.120 Donation Box - Outdoor
- 9104.02.130 Drive-through and Drive-up Facilities
- 9104.02.140 Emergency Shelters
- 9104.02.145 Employee Housing
- 9104.02.150 Extended Hours Uses
- 9104.02.160 Hazardous Waste Facilities
- 9104.02.170 Home Occupations
- 9104.02.180 Hotel Condominiums
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- 9104.02.230 Outdoor Dining Uses on Public Property
- 9104.02.240 Outdoor Dining - Incidental
- 9104.02.250 Recycling Facilities
- 9104.02.260 Residential Care Facilities, for Seven or More Persons
- 9104.02.270 Seasonal Sales
- 9104.02.280 Service/Fueling Stations
- 9104.02.290 Shopping Cart Containment and Retrieval
- 9104.02.300 [Reserved]
- 9104.02.310 Smoking Lounges
- 9104.02.320 Storage Containers - Temporary Portable
- 9104.02.330 Sports Courts in Residential Zones
- 9104.02.340 Vending Machines
- 9104.02.350 Tobacco Sales
- 9104.02.360 Yard Sales

9104.02.010 Accessory Uses in Non-Residential Zones

A. Purpose and Applicability. This Subsection provides standards for the location, development, and operation of accessory uses, as defined in Division 9 (Definitions), for non-residential zones. Unless more specific standards are presented elsewhere in this Division 4 (Regulations for Specific Land Uses and Activities) for unique accessory uses, the provisions in this Subsection shall apply to accessory uses as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards).

B. Accessory Use Standards in Non-Residential Zones. This Subsection provides standards for permitted uses that are accessory to a primary permitted commercial, industrial, or institutional use, where allowed by Division 2 (Zones, Allowable Uses, and Development Standards).

1. **General Standard.** There shall be limited external evidence of any accessory uses, including no signage for the accessory use and no externally visible display.
2. **Review and Approval Requirements.** Accessory uses may require a Conditional Use Permit or Minor Use Permit, in compliance with Division 2 (Zones, Allowable Uses, and Development Standards) and Section 9107.09 (Conditional Use Permits and Minor Use Permits), this Division 4 (Regulations for Specific Land Uses and Activities), or as established in any specific plan.

9104.02.020 Adult Business Uses

A. Purpose and Applicability. The purpose and intent of this Subsection are to regulate adult businesses, which tend to have serious secondary effects on the community, including, but not limited to, increases in crime in the vicinity of adult businesses; decreases in property values in the vicinity of adult businesses; increases in vacancies in residential and commercial areas in the vicinity of adult businesses; interference with residential property owners' enjoyment of their properties when such properties are located in the vicinity of adult businesses as a result of increases in crime, litter, noise, and vandalism; and deterioration of neighborhoods as a result of a concentration of adult businesses in close proximity to each other or to other incompatible uses such as schools, places of religious assembly, and residential zones which thereby have a deleterious effect upon adjacent areas. Special regulation of these businesses is necessary to prevent these adverse effects and the blighting or degradation of the neighborhoods in the vicinity of adult businesses.

Therefore, the purpose of this Subsection is to establish reasonable and uniform regulations to prevent the concentration of adult businesses or their close proximity to incompatible uses while permitting the location of adult businesses in certain areas.

The provisions in this Subsection shall apply to adult-oriented business uses as defined in Section 6801 of the Municipal Code (Article VI, Chapter 8, Adult Business License) and any business which displays adult publications or adult-oriented materials, such as displays inside a convenience store, and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards) and the provisions and standards specified in this Subsection.

B. Applicable Standards. Adult business uses shall comply with all of the following standards regarding location, development, and operations.

1. Location Requirements

- a. In addition to the requirements of this Subsection, no adult businesses shall be established or located in any area in the City other than in the M-1 zone. In those locations where the adult businesses regulated by this Subsection would otherwise be permitted uses, it shall be unlawful to establish any adult business if the location is:
 - (1) Within 50 feet of any other legally established adult business. The distance between any two adult businesses shall be measured between the nearest exterior wall of the facility or tenant space.
 - (2) Within 700 feet of any existing residential zone, park, recreation area, place of religious assembly, library, school, or day care facility. The distance shall be measured between the nearest exterior wall of the facility or tenant space housing the adult business or the proposed adult business, and the nearest property line included within the residential zone, park, recreation area, place of religious assembly, library, school, or day care facility along a straight line extended between the two points.
- b. No building permit, business tax receipt, adult business regulatory permit, or other permit or entitlement for use shall be legally valid if issued to any adult business proposed to operate or to be established in the City unless the zoning and location requirements set forth above are satisfied in full.

2. **Permit Requirements.** All adult businesses that meet the zoning and location requirements set forth in this Subsection are also subject to the Adult Business Regulatory Permit requirements of Article VI, Chapter 8 (Adult Business License) of the Municipal Code, as well as all other applicable ordinances of the City and laws of the State of California.
- C. **Public Nuisance.** In addition to the penalties set forth in Section 6814 (Violations) of Article VI, Chapter 8 of the Municipal Code, any adult business which is operating in violation of these and all other applicable provisions regulating adult businesses is declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation.
- D. **Severability.** If any section, subsection, paragraph, sentence, clause, or phrase of this Subsection and the Ordinance to which it is a part, or any part thereof is held for any reason to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, the remaining sections, subsections, paragraphs, sentences, clauses, and phrases shall not be affected thereby. The City Council hereby declares that it would have adopted this Subsection and the Ordinance to which it is a part regardless of the fact that one or more sections, subsections, paragraphs, sentences, clauses, or phrases may be determined to be unconstitutional, invalid, or ineffective.

9104.02.030 Agricultural Uses – Urban Agriculture, Small Animal and Fowl, and Horses

- A. **Purpose and Applicability.** This Subsection establishes standards for the location, development, and operations of greenhouses, keeping of small animal and fowl, and keeping of horses, as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards).
- B. **Urban Agriculture.** The following accessory private agricultural uses are permitted on all properties zoned for residential use:
 1. Private greenhouses and horticultural collections (grown in the ground).
 2. Fruit and vegetable gardens, fruit trees, and nut trees.
 3. The off-site sale of the products produced on the premises.
- C. **Marijuana Cultivation Prohibited.** Marijuana cultivation, dispensaries, manufacturers, and delivery of marijuana, as defined in Division 9 (Definitions), shall be considered prohibited uses in all zoning districts of the City.
- D. **Small Animals and Fowl.** Small animals and fowl shall include, but not limited to rabbits, poultry, domestic fowl, goats and sheep. On all properties zoned exclusively for residential use, the raising or keeping for domestic noncommercial use of the following animals is permitted, provided that the keeping of all small animals shall conform to other provisions of law governing same:
 1. Not to exceed a total of 10 fowl or birds;
 2. The raising or keeping of homing pigeons under such regulations as may be imposed elsewhere in the Arcadia Municipal Code;
 3. Not to exceed a total of five small animals (and the offspring of each until such offspring is capable of being raised or maintained separately from and independently of full grown members of the same species).
- E. **Horses.** The keeping of not more than a total of two horses, llamas, or alpacas for the use of the family occupying the lot is permitted on lots having a minimum net lot area of 16,000 square feet. One additional horse, llama, or alpaca may be kept for each additional 5,000 square feet of lot area over the minimum 16,000 square feet. Not more than a total of five horses, llamas, or alpacas of any age shall be kept on any one lot. The keeping of such animals shall conform to other provisions of law governing same.

9104.02.040 Alcoholic Beverage Sales

- A. **Purpose and Applicability.** This Subsection establishes standards regarding the location and operation of businesses involved in the sale of alcoholic beverages (meaning, those beverages subject to a State-issued Alcoholic Beverage Control [ABC] license and required City of Arcadia planning entitlements), either on-sale at live concert halls and theaters, or off-sale.

The provisions in this Subsection shall apply to the sale of alcoholic beverages where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards).

B. Nonconforming ABC License. All premises where an ABC license for the sale of alcoholic beverages exists and which do not comply with the provisions of this Subsection, but which were legally in existence on the effective date of this Subsection, shall have the status of a legally nonconforming license and shall be allowed to remain in existence subject to the provisions of this Subsection. However, such premises and any associated structures shall not be permitted to be modified or expanded, as set forth in Division 6 (Nonconforming Uses, Structures, and Parcels). Any legally nonconforming ABC license in violation of its planning entitlements shall be subject to revocation procedures of Section 9108.09 (Permit Modifications and Revocations).

C. Operational Standards. This Subsection establishes operational standards for establishments involved in the sale of alcoholic beverages. In all circumstances, a valid ABC license shall be required.

1. **Supermarkets, Drug Stores, and Other Retail Establishments**
 - a. Any business selling alcoholic beverages for off-premise consumption or for every business selling goods and products to the public on a walk-in basis, which is open for more than 16 hours per day or which is open to the public anytime between midnight (12:00 a.m.) and 6:00 a.m. and is located less than 150 feet from residentially zoned property shall be subject to the requirements of a Conditional Use Permit (Section 9107.09).
 - b. The sale of alcoholic beverages at drive-up windows shall be prohibited.
2. **Retail Stores Engaged in the Sale of Vehicle Fuels and/or Car Wash Facility**
 - a. Retail stores engaged in the sale of vehicle fuels and car wash facilities which contain 750 square feet or more enclosed retail floor area may offer the off-site sale of beer and wine. Sale of distilled spirits shall be prohibited.
 - b. Such stores shall not devote more than 10 percent of the net floor area to the display, sale, and storage of alcoholic beverages.
3. **Live Theaters, Concert Halls, and Movie Theaters**
 - a. The sale of alcoholic beverages shall only be permitted in establishments that have permanently affixed seats which are arranged to provide spectators with an unobstructed view of the stage or screen upon which live theatrical or musical performances are given, or film is shown.
 - b. The sale of alcoholic beverages shall be accessory and incidental to the performances.
4. **Florist Shops and Similar Gift Establishments.** Florist shops and similar establishments selling floral or edible gifts may offer the sale of no more than one bottle of alcoholic beverage together with a floral arrangement or edible gift. No Conditional Use Permit shall be required for such alcoholic beverage sales within this limit.

9104.02.050 Antennas and Wireless Communication Facilities

A. Purpose and Applicability. The purpose of these requirements is to provide placement, design, and screening criteria to regulate the establishment of new wireless communication facilities and improvements to existing wireless communication facilities in a manner that protects the public health, safety, general welfare, and quality of life in the City, while providing needed flexibility to wireless communication providers. Additionally, these regulations protect the visual aesthetics of the community through the promotion of stealth techniques that architecturally integrate or camouflage wireless communication facilities within their surroundings. This Subsection shall be applied on a competitively neutral and nondiscriminatory basis to all applicants for wireless communication facilities. The provisions and terms used in this Subsection shall apply to Wireless Communication Facilities as defined Division 9 (Definitions) and applicable to any uses mentioned under this Subsection.

B. Required Conditions. The following conditions shall be applied to any authorization for a wireless communication facility.

1. **Indemnification.** The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees from any claim, action, or proceeding against the City or its officers, agents, or employees to attack, set aside,

void, or annul any approval under this Chapter (Chapter 1, Development Code). The applicant shall further defend, indemnify, and hold harmless the City, its officers, agents, and employees from any damages, liabilities, claims, suits, or causes of action of any kind or form, whether for personal injury, death, or property damage, arising out of or in connection with the activities or performance of the applicant, its agents, employees, licensees, contractors, subcontractors, or independent contractors, pursuant to the approval issued by the City.

2. **Removal of Facilities.** For all wireless communication facilities located within the public right-of-way, the applicant shall remove or relocate, at applicant's expense and without expense to the City, any or all of its wireless communication facilities, by reason of any change in grade, alignment or width of any public right-of-way, installation of services, water pipes, drains, storm drains, lift stations, power or signal lines, traffic control devices, public right-of-way improvements, or any other construction, repair, or improvement to the public right-of-way.
3. **Co-location.** Where a wireless communication facility site is capable of accommodating a co-located facility upon the same site, the owner or operator of the existing facility shall allow another carrier to co-locate its facilities and equipment thereon, upon reasonable terms and conditions mutually agreeable between the parties.
4. **Reporting.** The City may require the applicant to annually submit a written report prepared by a qualified engineer certifying that the facility continues to comply with all applicable Federal, State, and local regulations.
5. **Parking.** No facility or accessory equipment shall be allowed to reduce the number of available parking spaces.

C. Facilities Not Covered. The following facilities and devices are not covered by the provisions of this Subsection:

1. Wireless communication facilities located within the public rights-of-way.
2. Residential satellite and digital television dishes less than one meter in diameter.
3. Temporary wireless communication facilities that are needed during public emergencies or are used in conjunction with a temporary event or activity that does not otherwise require a permit under this Development Code.

D. Antennas, Ground Mounted (Accessory Structure to a Dwelling)

1. No antenna or mast shall exceed 75 feet in height measured from the adjacent grade to the highest point of the antenna or mast. For ham radio antennas, the crank-up variety shall be used.
2. All components shall be color-coordinated to harmonize with predominant structural background material to reduce visual impacts.
3. Where feasible, both the antennas and support structures shall be screened from public view. The most unobtrusive locations for the antennas are generally in the rear yard, behind trees, and adjacent to main or accessory buildings to provide background screening for the support structure.
4. The height, nature, texture, and color of all materials to be used for the installation, including landscape materials, shall be submitted with the permit application.
5. Antennas shall not be constructed, placed, or installed on a structure, site, or area designated by a Federal, State, or County agency as an historical landmark or cultural heritage site unless approved through the applicable Wireless Facility review and permit process.

E. Wireless Communication Facilities on Government Buildings. Any wireless communication facility located on a government building, such as a police or fire station, shall be permitted as an accessory use if the wireless communication facility is used exclusively for the government operation located within that facility or if it substantially contributes to public safety (i.e., police, fire and emergency management operations). Such a wireless communication facility shall be processed as part of the underlying land use permit for the government building.

F. Wireless Communication Facilities for Public Safety or Emergency Services. For a wireless communications facility that is exclusively used for public safety purposes, the Director may waive or modify one or more of the development standards in this Subsection when the application of such standards would effectively prohibit the installation of that facility. In order to waive or modify a development standard, the applicant shall demonstrate in writing that a waiver or modification of standard(s) is necessary for the provision of public safety services, and that such waivers or modifications do not exceed what is necessary to remove the effective prohibition.

G. Wireless Communication Facilities Associated with Radio Studio or Filming Facility. Any wireless communication facility located on and associated with a radio studio or a permanent filming facility shall be permitted as an accessory use if the wireless communication facility is necessary to, and is used exclusively for, the radio studio or permanent filming facility operation. A wireless communication facility defined as an accessory use shall be processed as part of the underlying land use permit for the building or facility but shall be subject to the development standards in this Subsection.

H. Development and Stealth Requirements

1. **Partial and Full-Concealment Requirements.** To minimize visual impacts, a wireless communication facility shall be designed as a stealth facility or building-concealed facility if it is prominently visible from a public viewpoint, or if it is located in a residential, commercial, or mixed-use zone. A wireless communication facility may be designed as a non-stealth facility if it meets standards provided in this Subsection.
2. **Exceptions to Stealth and Building-Concealed Facilities.** A non-stealth facility may be permitted when the applicant demonstrates that the project location and design meets one or more of the following criteria:
 - a. The antenna(s) is not prominently visible from a public viewpoint. This standard may be achieved by blending the facility into its surroundings as defined in paragraph 9104.02.050.H.3 (Making Wireless Communication Facilities Compatible with the Existing Setting); or
 - b. The non-stealth facility is prominently visible from a public viewpoint but meets one or more of the following criteria:
 - (1) The antenna(s) results in the same or reduced visual and environmental impacts when compared to available stealth facility options; or
 - (2) The antenna(s) is located on a ridgeline and meets the requirements in this Subsection; or
 - (3) The minimum height required for adequate service, coverage, or capacity area cannot be achieved with one or more stealth facilities, or through co-location; or
 - (4) The antenna(s) is used solely for the provision of public safety and the responsible review authority waives this development standard.
3. **Making Wireless Communication Facilities Compatible with the Existing Setting.** To the extent feasible, all wireless communication facilities shall be located and designed to be compatible with the existing setting as follows:
 - a. Facilities shall be located in areas of the project site where existing topography, vegetation, buildings, or structures effectively screen and/or camouflage the proposed facility; and
 - b. The facility shall be designed (size, shape, color, and materials) to blend in with the existing topography, vegetation, buildings, and structures on the project site, as well as the existing setting.
4. **Preferred Wireless Communication Facility Locations.** To the extent feasible, and in the following order of priority, new wireless communication facilities shall be sited in the following locations:
 - a. On an existing wireless communication facility with adequate height and structure to accommodate additional wireless communication facilities, or on a pre-approved co-location wireless communication facility.
 - b. Flush-mounted on an existing structure, pole, or building in nonresidential zones.

- c. Where the wireless communication facility is not prominently visible from a public viewpoint.
- d. Near existing public or private right-of-ways.

5. **Prohibited Wireless Communication Facility Locations.** New stand-alone, non-exempt wireless communication facilities shall be prohibited in the following locations:

- a. Within any area zoned exclusively for residential use.
- b. Within the Commercial Office (C-O), Central Business District (CBD), Downtown Mixed Use (DMU), and Mixed Use (MU) zones.
- c. Silhouetted on the top of ridgelines on land when prominently visible from public viewpoints.

6. **Height**

- a. **How to Measure.** Unless otherwise indicated in this Subsection, the height of a wireless communication facility shall be measured as follows:
 - (1) A ground-mounted facility shall be measured from the adjacent grade to the highest point of the antenna or any equipment, whichever is highest.
 - (2) A structure-mounted facility shall be measured from the average grade to the highest point of the antenna or any equipment, whichever is highest.
- b. **Building-Concealed Facilities**
 - (1) For building-concealed facilities, height shall be measured as the vertical distance from the flat grade or average grade, as applicable, to the highest point of the existing or newly created architectural façade or feature where the antenna is concealed.
 - (2) Building-concealed facilities shall not exceed the maximum height limits of the zone in which the building is located. An existing building that exceeds the maximum height limit may be used to conceal a wireless communication facility if an increase in allowable height of the building was granted by a previously approved discretionary permit and the building dimensions would not increase by adding the wireless communication facility.
- c. **Stealth Facilities – Faux Structure.** Faux structure stealth facilities shall meet the definition in Division 9 (Definitions) and the maximum allowable height of a faux structure shall be 50 feet or the average height of representative structures commonly found in the local setting, whichever is less.

7. **Setbacks**

- a. All wireless communication facilities shall comply with the required minimum front, side, and rear yard setbacks for the zone in which the site is located. No portion of an antenna array shall extend beyond the property lines.
- b. For facilities proposed to be located within public rights-of-way, no facility shall unreasonably interfere with usual and customary access or use by pedestrians, bicycles, or motorized vehicles, or negatively impact vehicular parking, circulation, line-of-sight, or safety.
- c. Ground-mounted wireless communication facilities shall be set back a distance equal to the total facility height or 50 feet, whichever is greater, from any off-site dwelling unit.

8. **Future Co-location.** Applicants seeking land use entitlements for wireless communication facilities, except flush-mounted facilities which cannot host a co-location, shall provide accommodation for future co-location of one or more

additional wireless communication facilities as part of the permitting of the wireless communication facility. Whether or not an applicant seeks pre-approved co-location as part a requested land use entitlement, the applicant shall comply with this Subsection.

9. Standards for Specific Types of Stealth Facilities

a. Faux Trees

- (1) Faux trees shall incorporate a sufficient amount of “architectural branches” (including density and vertical height) and design material so that the structure is as natural in appearance as technically feasible. The antennas and antenna support structures shall be colored to match the components (branches and leaves) of the proposed artificial tree.
- (2) Faux trees shall not exceed the maximum height limits established for Stealth Facilities – Faux Structures as stated in this Subsection.

b. Roof-Mounted Facilities (New or Co-Location)

- (1) Roof-mounted facilities shall be hidden by an existing or newly created building or architectural feature, or shall be concealed from public viewpoints using architectural features or screening devices, or by siting the facility so that it is concealed from off-site viewpoints.
- (2) Roof-mounted facilities shall not exceed the maximum building height limit for the underlying zone.
- (3) Roof-mounted facilities shall be compatible with the architectural style, color, texture, façade design, and materials of the building. Newly created architectural features shall be proportional to the scale and size of the building or structure.

c. **Flush-Mounted Antennas.** An antenna for a wireless communication facility may be flush mounted on a building or other structure pursuant to the following standards, and provided that associated equipment is located in manner consistent with the subparagraph (1) below:

- (1) Flush-mounted antennas shall be designed as a stealth facility and shall be compatible with the architectural style, color, texture, façade, and materials of the structure. Panel antennas shall not interrupt architectural lines of building facades, including the length and width of the portion of the façade on which it is mounted. Mounting brackets, pipes, and coaxial cable shall be screened from view.
- (2) Flush-mounted antennas shall not exceed the maximum height limit for the underlying zone.
- (3) Any flush-mounted antenna attached to a light pole, utility pole, water tank, or similar structure shall exhibit the same or improved appearance than existing local light poles or utility poles.
- (4) Flush-mounted antennas shall be attached to a vertical surface, except they may be mounted atop a light pole or a utility pole when flush-mounting is physically infeasible. Panel antennas shall be mounted no more than 18 inches from building surfaces or poles, shall not extend above the height of the building, and shall appear as an integral part of the structure.

d. Other Faux Stealth Facilities

- (1) Faux structure types, including but not limited to water tanks, flag poles, and light poles, may be used as a stealth facility when that type of structure is commonly found within the local setting of the wireless communication facility.
- (2) Faux structures shall not exceed the maximum height limits for the underlying zone.

(3) Faux light poles shall be designed to function as a light pole, and shall match the design and height of existing light poles on the proposed site. This standard is not applicable to faux light poles within the public right-of-way designed to match existing light poles within the same public right-of-way.

10. **Historical Landmarks.** A wireless communication facility shall not be constructed, placed, or installed on a structure, site, or area designated by a Federal, State, or County agency as a historical landmark unless the Director determines that the proposed facility will have no adverse effect on the appearance of the historical resource or its historical designation status.

11. **Environmentally Sensitive Areas.** All wireless communication facilities and their accessory equipment shall be sited and designed to avoid or minimize impacts to habitat for special status species, sensitive plant communities, migratory birds, waters and wetlands, riparian habitat, and other environmentally sensitive areas, as determined by the Director.

12. **Accessory Equipment.** All accessory equipment associated with the operation of a wireless communication facility shall be located and screened to prevent the facility from being prominently visible from a public viewpoint to the maximum extent feasible.

13. **Colors and Materials.** All wireless communication facilities shall use materials and colors that blend in with the natural or man-made surroundings. Highly reflective materials are prohibited.

14. **Noise.** All wireless communication facilities shall be operated and maintained to comply at all times with the noise standards contained in Article IV, Chapter 6 (Noise Regulations). All equipment must comply with the existing noise ordinances in the City, but in no case shall any facility generate sound in excess of 50 db CNEL at the property line of the nearest residential use or 65 dB CNEL at the property line of the nearest non-residential use.

15. **Landscaping and Screening.** The permittee shall plant, irrigate, and maintain additional landscaping during the life of the permit when such vegetation is deemed necessary to screen the wireless communication facility from being prominently visible from a public viewpoint.

16. **Security**

- a. Each facility shall be designed to prevent unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous situations or visual blight. The Review Authority may require the provision of warning signs, fencing, anti-climbing devices, or other methods to prevent unauthorized access and vandalism.
- b. All fences shall be constructed of materials and colors that blend in with the existing setting.

17. **Lighting**

- a. No facility may be illuminated unless specifically required by the Federal Aviation Administration or other government agency.
- b. Any necessary security lighting shall be down-shielded and controlled to minimize glare or light levels directed at adjacent properties and to minimize impacts to wildlife.

18. **Signage.** A permanent, weather-proof identification sign, subject to Director approval, shall be displayed in a prominent location such as on the gate or fence surrounding the wireless communication facility or directly on the facility. The sign must identify the facility operator(s) and type of use, provide the operator's address, identify FCC-adopted standards, and specify a 24-hour telephone number at which the operator can be reached during an emergency.

I. **Compliance with Federal and State Law and Regulations.** Wireless communication facilities must comply with all current applicable standards and regulations of the FCC, and any other State and Federal government agency with the authority to regulate such facilities.

J. Co-location

1. **Pre-Approved Co-location.** In accordance with Section 65850.6 of the California Government Code, any proposed pre-approved co-location shall be processed as a Zoning Clearance (Section 9107.27, Zoning Clearances) if the previously approved City discretionary land use permit authorized the future co-location of the proposed wireless communication facilities on the existing permitted facility. The proposed co-location shall meet all applicable design, development standards, and conditions of the previously approved City permit.
2. **Co-location without Pre-Approval.** Any proposed co-location that does not meet the requirements of this Subsection above shall be processed as a permit modification pursuant to this Subsection (see Section 9104.02.050.O, Permit Modifications).

K. Maintenance and Monitoring

1. **Periodic Inspection.** The City reserves the right to undertake periodic inspection of a permitted wireless communications facility.
2. **Maintenance of Facility.** The permittee shall routinely inspect each wireless communications facility, as outlined in the approved maintenance and monitoring plan, to ensure compliance with the standards set forth in this Subsection and the permit conditions of approval. The permittee shall maintain the facility in a manner comparable to its condition at the time of installation. If maintenance or repair is not sufficient to return the facility to its physical condition at the time of installation, the permittee shall obtain all required permits and replace the facility to continue the permitted operation.
3. **Graffiti.** The permittee shall remove graffiti from a facility within 10 days from the time of notification by the City.
4. **Landscape and Screening.** All trees, foliage, or other landscaping elements approved as part of a wireless communication facility shall be maintained in good condition during the life of the permit, and the permittee shall be responsible for replacing any damaged, dead, or decayed landscape vegetation. The permittee shall maintain the landscaping in conformance with the approved landscape plan.
5. **Hours of Maintenance.** Except for emergency repairs, backup generator testing and maintenance activities that are audible to an off-site, noise-sensitive receptor shall only occur on weekdays between the hours of 7:00 AM and 10:00 PM.
6. **Transfer of Ownership**
 - a. In the event that the permittee sells or transfers its interest in a wireless communication facility, the succeeding operator shall become the new permittee responsible for ensuring compliance with the permit for the wireless communication facility, including all conditions of approval, and all other relevant Federal, State, and local laws and regulations.
 - b. The permittee (or succeeding permittee) shall file, as an initial notice with the Director, the new permittee's contact information such as the name, address, telephone/facsimile number(s), and email address.
 - c. The permittee shall provide the Director with a final notice within 30 days after the transfer of ownership and/or operational control has occurred. The final notice of transfer must include the effective date and time of the transfer and a letter signed by the new permittee agreeing to comply with all conditions of the City permit.

L. Technical Expert Review. The City may contract for the services of a qualified technical expert to supplement Development Services Department staff in the review of proposed wireless communication facilities or in the review of the permittee's compliance with this Subsection. This may include the review of technical documents related to radio frequency emissions, alternative site analyses, propagation diagrams, and other relevant technical issues. The use of a qualified technical expert shall be at the permittee's expense, and the cost of these services shall be levied in addition to all other applicable fees associated with the project. The technical expert shall work under a contract with and administered by the City. If proprietary information is disclosed to the City or the hired technical expert, such information shall remain confidential in accordance with applicable California laws.

M. Temporary Wireless Communication Facilities. A temporary wireless communication facility, such as a “cell-on-wheels” (COW), may be used for the following purposes: to replace wireless communication facility services during the relocation or rebuilding process of an existing facility, during festivals or other temporary events and activities that otherwise require a permit under this Chapter, and during public emergencies. Once the relocation or rebuilding process, temporary event, or emergency is complete, the temporary facility shall be removed from the site as soon as practicable.

A temporary wireless communication facility shall be processed as a Temporary Use Permit pursuant to Section 9107.23 (Temporary Use Permits) when used during the relocation or rebuilding process of an existing wireless communication facility, or when used for a festival or other temporary event or activity that otherwise requires a permit under this Chapter.

N. Application Submittal Requirements. In addition to meeting standard application submittal requirements of Division 7 (Permit Processing Procedures), the project applicant for a wireless communication facility may be required to submit some or all of the following information depending on the scope of the proposed project, as determined by the Director.

1. **Federal Communications Commission (FCC) Propagation Diagram.** One or more FCC propagation diagrams may be required to demonstrate that the proposed wireless communication facility is the minimum height necessary to provide adequate service (i.e., radio frequency coverage or call-handling capacity) in an area served by the carrier proposing the facility. The FCC propagation diagram shall include a map showing the provider's existing facilities, existing coverage or capacity area, and the proposed coverage or capacity area at varied antenna heights. The FCC propagation diagram shall also include a narrative description summarizing the findings in layman's terms. Existing obstacles such as buildings, topography, or vegetation that cannot adequately be represented in the propagation diagrams, yet may cause significant signal loss and therefore require additional facility height, should be clearly described and/or illustrated through additional visual analyses, such as Fresnel zone modeling diagrams. A propagation diagram shall be required if the proposed wireless communication facility would exceed 40 feet in height.
2. **Visual Impact Analysis.** A visual impact analysis includes photo simulations and other visual information, as necessary, to determine visual impact of the proposed wireless communication facility on the existing setting or to determine compliance with design standards established by this Subsection. The photo simulations shall include “before” and “after” renderings of the site; its surroundings; the proposed facility and antennas at maximum height; and any structures, vegetation, or topography that will screen the proposed facility from multiple public viewpoints. All photo simulations and other graphic illustrations shall include accurate scale and coloration of the proposed facility.
3. **Authorization and License Information.** The applicant shall provide a letter of authorization from the property owner and the communications carrier that demonstrates knowledge and acceptance of the applicant's proposed project's structures and uses on the subject property. This information shall also include a copy of the FCC radio spectrum lease agreement or the FCC registration number (FRN).
4. **FCC Compliance.** The applicant shall certify that the equipment complies with Sec. 1.1301, et seq., of Title 47 of the Code of Federal Regulations or any successor regulations. Certification of FCC compliance shall be required for all wireless communication facility permits, including permit modifications.
5. **Alternative Site Analysis.** Documentation that demonstrates:
 - a. The applicant has satisfied the wireless communication facility preferred location standards stated in this Subsection;
 - b. Infeasibility of alternative sites that would result in fewer environmental impacts to ridgelines and other environmental resources; and
 - c. All efforts to co-locate the proposed facility on an existing facility, including copies of letters or other correspondence sent to other carriers or wireless communication facility owners requesting co-location on their facilities. If co-location is not feasible, the applicant shall demonstrate to the satisfaction of the Director that technical, physical, or legal obstacles render co-location infeasible.

6. **Site Plan and Design Specifications.** This documentation shall fully describe the proposed project, including on and off-site improvements. The site plan shall be drawn to scale, and the site plan and design specifications shall include the following:
 - a. Written explanation and plot plan that describes the facility's proposed height and design, as well as the antenna direction, and type (panel, whip, or dish). All wireless communication facilities shall be located at the lowest possible height that will allow them to operate.
 - b. State the location and dimensions of the entire site area, exact location of the facility and its associated equipment with proposed setbacks, access road improvements, and any proposed landscaping or other development features. The site plan shall also identify site grading, paving and other features that may increase runoff from the site.
 - c. Front, side, and rear elevation plans showing all of the proposed equipment and structures.
 - d. Building plans and elevations for flush- and roof-mounted facilities.
 - e. Manufacturer specifications and samples of the proposed color and material for the facility and its associated equipment.
 - f. Site plan components required to address fire prevention, water conservation, and other life safety and environmental considerations.
7. **Landscape Plan.** This documentation shall describe the location and type of newly proposed landscaping, proposed irrigation systems (as needed), and the location of existing landscape materials that are necessary to properly screen or blend the wireless communication facility with the surrounding area. This information may be provided on the site plan or in a separate conceptual landscape plan.
8. **Maintenance and Monitoring Plan.** A maintenance and monitoring plan shall describe the type and frequency of required maintenance activities to ensure continuous upkeep of the facility, its associated equipment, and any proposed landscaping, during the life of the permit.
9. **Noise/Acoustical Information.** This documentation shall include manufacturer's specifications for all noise-generating equipment such as air conditioning units and back-up generators, as well as a scaled diagram or site plan that depicts the equipment location in relation to adjoining properties.
10. **Hazardous Materials.** This documentation shall include the quantity, type, and storage location for containment of hazardous materials, such as the fuel and battery back-up equipment, proposed for the wireless communication facility.
11. **Geotechnical Requirements.** At the discretion of the Director, a geotechnical report may be required. Such a report shall include the following:
 - a. Soils and geologic characteristics of the site
 - b. Foundation design criteria for the proposed facility
 - c. Slope stability analysis
 - d. Grading criteria for ground preparation, cuts and fills and soil compaction
 - e. Other pertinent information that evaluates potential geologic, fault, and liquefaction hazards and proposed mitigation
12. **Consent to Future Co-location.** A written statement shall be provided by the applicant for all wireless communication facilities that either consents to the future co-location of other wireless communication facility carriers on the proposed facility, or demonstrates to the satisfaction of the Director that technical, physical, or legal obstacles render co-location infeasible.

13. **Additional Documentation.** Additional information determined by the Director as necessary for processing the requested wireless communication facility entitlement.

O. Permit Modifications. Proposed modifications to an existing wireless communication facility shall be processed in accordance with Section 9108.09 (Permit Modifications and Revocations), depending upon whether the modification requires an amendment to a previously approved Minor Use Permit or Conditional Use Permit. For any wireless communication facility permitted as a matter of right for which a modification is proposed, such modification shall be reviewed pursuant to Section 9107.27 (Zoning Clearances).

P. Permit Period and Expiration

1. No Conditional Use Permit for a wireless communication facility shall be issued for a period that exceeds 15 years. At the end of the permit period for all wireless communications facilities, the permit shall expire unless the permittee submits, in accordance with all applicable requirements of this Chapter, an application for a permit modification in accordance with Section 9108.09 (Permit Modifications and Revocations) prior to its expiration date, requesting a permit time extension.
2. Whenever a permit time extension is requested for a wireless communication facility, the permittee shall replace or upgrade existing equipment with the latest wireless technology when feasible, reduce the facility's visual impacts, or improve the land use compatibility of the facility.

Q. Substantial Evidence Required for Denial

1. Any decision to deny, in whole or in part, a Conditional Use Permit, Site Plan and Design Review, Zoning Clearance, or Encroachment Permit to place, construct or modify a wireless communication facility shall be in writing and supported by substantial evidence contained in the written record. A required planning entitlement shall be approved unless it is determined that:
 - a. The applicant has failed to provide any information required in Subsection 9104.02.050.N (Application Submittal Requirements);
 - b. The proposed wireless communication facility fails to comply with the criteria of Subsection 9104.02.050.H (Development and Stealth Requirements);
 - c. In the case of a Conditional Use Permit, the Commission (or in the case of a Minor Use Permit, the Director) cannot make the findings required by Subsection 9107.09.050 (Findings and Decision), or, in the case of an encroachment permit, the Director has grounds for denial pursuant to Section 7300.4 of the Arcadia Municipal Code; or
 - d. In the case of a new wireless communication facility, co-location at a site with an existing wireless communication facility is feasible.
2. Any decision to deny, in whole or in part, a Conditional Use Permit, Site Plan and Design Review, Zoning Clearance, or Encroachment Permit to place, construct, or modify a wireless communication facility shall also indicate one of the following:
 - a. The applicant did not request a waiver from the requirements of this Chapter; or
 - b. The applicant did request a waiver from the requirements of this Chapter, but failed to present sufficient evidence that the requirements and restrictions of this Chapter either have the effect of prohibiting wireless communication services or unreasonably discriminate against the applicant, pursuant to Subsection 9104.02.050.U. (Waiver Request).

R. Revocations

1. At any time, the City may initiate proceedings to revoke an approval issued pursuant to this Subsection.

2. The following shall constitute grounds for revocation for an approval issued pursuant to this Subsection:
 - a. The owner or operator has abandoned the wireless communication facility; or,
 - b. The wireless communication facility is no longer in compliance with its respective conditions of approval, with the requirements of this Division, or with any other applicable law; or
 - c. The wireless communication facility is no longer in compliance with applicable FCC or FAA regulations.
3. The Planning Commission may revoke a Conditional Use Permit only after holding a noticed public hearing in accordance with Subsection 9108.09.050 (Notice and Hearing Required) of this Code.
4. After a final revocation decision has been rendered, the owner or operator of the wireless communication facility shall terminate operations and remove the wireless communication facility from the site in accordance with Subsection 9104.02.050.T. (Abandonment and Removal).
5. Any decision of the Commission or Director to revoke may be appealed pursuant to Subsection 9108.09.060 (Appeals) of this Code.

S. Maintenance Requirements

All wireless communication facilities shall comply at all times with the following operation and maintenance standards.

1. **Equipment.** All facilities, including antennae, mounts, wires, conduit, lighting, fences, shields, cabinets, poles and stealthing materials (including artificial foliage), shall be maintained by the owner or operator in good repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as practicable so as to minimize occurrences of dangerous conditions or visual blight. All trash, debris, litter and graffiti shall be removed by the owner/operator within 48 hours following notification from the City.
2. **Landscaping.** Each facility which contains trees, foliage or other landscaping elements, whether or not used as stealthing, shall be maintained in good condition at all times, and the owner or operator of the facility shall be responsible for replacing any damaged, dead or decayed landscaping as soon as practicable, and in accordance with the approved landscape plan.
3. **Inspections.** Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards set forth in this Subsection. Further, the Director may, upon providing reasonable advance notice to the owner or operator, conduct an inspection of a facility to verify compliance with the provisions of this Subsection.
4. **Identification.** To ensure compliance with this Subsection, the owner or operator of a facility shall affix a label or marker to the facility in a prominent location that identifies the facility and provides a telephone number that may be called to report any damage, destruction, graffiti, or vandalism to the facility.
5. **Backup Generators.** Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 PM and 7:00 AM.

T. Abandonment and Removal

1. **Notice of Abandonment.** Where an owner or operator intends to abandon a wireless communication facility or portion thereof, the owner or operator shall notify the City by certified U.S. mail, or other method guaranteeing proof of delivery, of the proposed date of abandonment or discontinuation of operations and the date the facility shall be removed. The notice shall be given not less than 60 days prior to abandonment. Failure to give notice shall not affect the owner's or operator's obligation to remove an abandoned facility.
2. **Removal Due to Utility Undergrounding.** All facilities located on a utility pole or structure shall be promptly removed at the owner's or operator's expense at the time the utility is scheduled to be undergrounded.

3. **Removal.** Upon abandonment, revocation, or other lawful order of any federal, state or local agency to terminate facility operations, the owner or operator shall physically remove the facility or terminated/abandoned elements within 30 days following the date of abandonment or termination of use. "Physically remove" shall include, but not be limited to:
 - a. Removal of antennae, mounts, equipment cabinets and security barriers from the subject site;
 - b. Transportation of the antennae, mounts, equipment cabinets and security barriers to an appropriate repository;
 - c. Restoring the site to its natural condition except for retaining the landscaping improvements and any other improvements at the discretion of the Director.
4. **Stay.** The Director may stay the requirement to remove an abandoned/terminated wireless communication facility upon written request and evidence submitted by the owner or operator that another wireless provider is in reasonable negotiations to acquire and use the wireless communication facility.

If an owner or operator of an abandoned wireless communication facility fails to physically remove the facility and all related equipment within the time frames set forth herein, the City may do so at the owner/operators expense.

U. Waiver Request. An applicant may request a waiver from any of the location, design, or other requirements and restrictions set forth in this Subsection. Any application for a waiver shall include the applicant's authorization for the City to retain the services of an independent, qualified consultant, at the applicant's expense, to evaluate the issues raised by the waiver request. The application shall include a monetary deposit, as set by resolution of the City Council, and an agreement by the applicant to reimburse the City for all reasonable costs associated with the consultation. A waiver may be granted by the Commission or Director, whichever is applicable, where the applicant demonstrates that such restriction or requirement either:

1. Prohibits or has the effect of prohibiting the provision of wireless communication services pursuant to the United States Telecommunications Act of 1996 (47 U.S.C. §332(c)(7)(B)(i)(II)); or
2. Unreasonably discriminates against the applicant when compared to other providers within the City who are providing functionally equivalent wireless communication services pursuant to the United States Telecommunications Act of 1996 (47 U.S.C. §332(c)(7)(B)(i)(I)).

9104.02.060 Arcades (Electronic Game Centers)

A. Purpose and Applicability. This Subsection provides standards for arcades (electronic game centers) as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards).

B. Gambling Prohibited. No person—either as a principal, agent, employee or otherwise—shall operate, play, or utilize, or permit any person or persons to operate, play, or utilize any amusement machine, game, computer, or device for the purpose of gambling, betting, wagering, or pledging in any manner whatsoever any money, thing, or consideration of value or the equivalent or memorandum thereof, upon the outcome, score, or result of the playing or operation of the amusement machine, game, or device.

9104.02.070 Cottage Food Operations

A. Purpose and Applicability. The provisions in this Subsection shall apply to cottage food operations, as defined by current State law, in compliance with Division 2 (Zones, Allowable Uses, and Development Standards) and the following standards. These standards shall apply in addition to requirements imposed by the Los Angeles County Department of Public Health and other regulatory agencies.

B. Standards. All cottage food operations shall comply with the standards for home occupations in Subsection 9104.02.170 (Home Occupations), as well as regulatory standards established by State law (Government Code Section 51035 et seq. and Health and Safety Code Section 114365 et seq.) and the Los Angeles County Department of Public Health.

9104.02.080 Day Care, General

A. Purpose and Applicability. This Subsection establishes standards for the location, development, and operations for new general day care facilities, as defined in Division 9 (Definitions) as “Day Care, General” where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards). This Subsection provides standards for the location, development, and operation of general day care facilities in compliance with State law. These standards shall apply in addition to requirements imposed by the California Department of Social Services and other regulatory agencies (e.g., Fire Department).

B. Standards. All general day care facilities shall comply with all of the following:

- Licensing.** The operator of a general day care facility shall obtain and maintain a valid license from the California Department of Social Services in compliance with California Code of Regulations, Title 22, Division 6 (Adult Day Care Facilities).
- General Day Care Facilities Review Standards.** An application for a general day care facility shall be reviewed by the responsible Review Authority for compliance with the provisions of Health and Safety Code Section 1597.46(a)(3) and this Subsection. The application may be approved only if the general day care facility complies with applicable sections of the Health and Safety Code, this Subsection, all applicable City ordinances, and any regulations adopted by the State Fire Marshall.
- Location.** General day care uses are not permitted in Residential Zones.
- Fences or Walls Required.** Fences or walls shall provide for safety with controlled points of entry.
- Drop-off/Pick-up Areas.** Any general day care facility located on a through street classified as a collector or arterial street shall provide a drop-off and pick-up area that does not require backing into the street.

9104.02.090 Day Care, Limited - Large Family (9-14 Children)

A. Purpose and Applicability. The provisions in this Subsection shall apply to large family child day care homes, as defined by current State law, in compliance with Division 2 (Zones, Allowable Uses, and Development Standards) and the following standards. These standards shall apply in addition to requirements imposed by the California Department of Social Services and other regulatory agencies (e.g., Fire Department).

B. Standards. All large family child day care homes shall comply with all of the following:

- Licensing.** The operator of a large family child day care home shall obtain and maintain a valid license from the California Department of Social Services in compliance with California Code of Regulations, Title 22, Division 12 (Child Care Facility Licensing Requirements).
- Care Provider's Residence.** The large family child day care home shall be the primary residence of the care provider, and the use shall be clearly residential in character and shall be incidental and accessory to the use of the property as a residence, in compliance with Health & Safety Code Section 1596.78 and other applicable law.
- Fences or Walls Required.** Fences or walls shall provide for safety with controlled points of entry and shall be in compliance with Section 9103.05 (Fences, Walls and Gates).
- Play Area and Equipment.** Outdoor play area(s), including all stationary play equipment, shall be located in the rear area of the parcel and shall comply with any setback requirements for the zone in which the large family day care home is located.
- Drop-off/Pick-up Areas and Use of Garages**
 - A minimum of two off-street uncovered parking spaces shall be provided as a drop-off and pick-up area. The spaces shall be in addition to those required for the dwelling unit in compliance with Section 9103.07 (Off-Street Parking)

and Loading). A driveway may be used to provide the spaces, provided the City Traffic Engineer approves the arrangement based on traffic and pedestrian safety considerations.

- b. Garages shall not be used as a family child day care play area unless alternative on-site covered parking is available to meet minimum residential parking requirements and further, the garage is improved to meet Building and Fire Code regulations as a habitable space.
- 6. **Hours of Operation.** A large family child day care home located may only operate a maximum of 14 hours each day between the hours of 6:00 AM and 8:00 PM.
- 7. **Inspection Required.** Before commencing operation of a large family child day care home, the City Building Official shall conduct an inspection of the premise on which the large family child day care home is to be operated to ensure that there are no unpermitted uses, structure, electrical, and/or mechanical improvements to the property.

9104.02.100 Day Care, Limited - Small Family (8 or fewer children)

All small family child day care homes, defined as Day Care, Limited - Small Family in Division 9 (Definitions), shall comply with the applicable provisions of Health and Safety Code Section 1597.30 et seq. (Family Day Care Homes). Such facilities do not require any discretionary City permits, and are exempt from Section 9107.20 (Site Plan and Design Review).

9104.02.110 Displays and Retail Activities - Outdoor

- A. **Purpose and Applicability.** This Subsection provides standards for the outdoor display and sale of merchandise on private property, as defined by Division 9 (Definitions), and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards).
- B. **City Standards.** Outdoor displays and retail activities on private property shall comply with all of the following.
 - 1. **Prohibited Unless Specifically Permitted by Division 2 (Zone, Allowable Uses, and Development Standards) or by a Temporary Use Permit.** The outdoor display and sale of merchandise on private property shall not be permitted in any zone unless specifically permitted by Division 2 (Zone, Allowable Uses, and Development Standards) or through a Temporary Use Permit (Section 9107.23, Temporary Use Permits) and the required discretionary permit has been obtained pursuant to Division 7 (Permit Processing Procedures).
 - 2. **Location of Displays and Merchandise.** The outdoor display and/or sale area(s), where permitted, shall be located entirely on private property. Outdoor display and merchandise shall occupy a fixed, specifically approved, and defined location that does not disrupt the normal function of the site or its circulation, and does not encroach upon driveways, landscaped areas, parking spaces, area(s) required for ingress and egress to the parking area(s), or ADA and pedestrian walkways. Outdoor displays shall not obstruct traffic safety sight areas or otherwise create hazards for pedestrian or vehicle traffic.
 - 3. **Operating Hours.** The outdoor display and sale of merchandise shall only be allowed during the business's permitted regular hours of operation. All evidence of outdoor display and sale must be removed at close of the business's permitted regular hours of operation.

9104.02.120 Donation Box - Outdoor

- A. **Purpose and Applicability.** This Subsection provides standards for outdoor donation boxes, as defined in Division 9 (Definitions), and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards).
- B. **Standards.** Outdoor donation boxes shall comply with all of the following.
 - 1. No more than one donation box shall be allowed on a single site or shopping center.
 - 2. The property owner shall agree, in writing, to allow the donation box on their property, and identify the particular location where it will be placed.

3. The donation box shall be secured against theft and unauthorized removal.
4. The donation box shall be located in a manner that does not interfere with any vehicular or pedestrian circulation and does not occupy any required parking space.
5. The donation box shall be located toward the rear of the property and to the greatest extent possible, out of view from any public right-of-way.
6. The party responsible for the donation box shall ensure that the box and surrounding site are properly maintained and that donated materials do not fall, spill, or accumulate outside of the box. If the party responsible for the donation box fails to provide the required maintenance, the property owner shall be responsible for all of the maintenance specified in this Subparagraph.
7. The party responsible for the donation box shall ensure that the box is removed and the site is cleared of any evidence of its previous setup when the box is no longer needed or has been inactive for 60 days. If the party responsible for the donation box fails to provide the required removal and clean-up, the property owner shall be responsible for the removal and clean-up specified in this Subparagraph.

9104.02.130 Drive-through and Drive-up Facilities

A. Purpose and Applicability. This Subsection provides standards for drive-through and drive-up facilities, as defined in Division 9 (Definitions), and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards). Every such drive-through and drive-up business shall be subject to all of the regulations applicable to a permitted use in the zone in which such drive-through or drive-up business is located. However, whenever the regulations of this Subsection are more restrictive or impose higher standards or requirements, the requirements of this Subsection shall control. For service/fueling stations, see Subsection 9104.03.280 (Service/Fueling Stations).

B. Standards. Drive-through and drive-up facilities shall comply with all of the following.

1. **Required Findings.** The Planning Commission shall make the following findings in addition to other required findings of the Conditional Use Permit for a drive-through or drive-up business, in addition to standard findings required for issuance of a Conditional Use Permit:
 - a. The proposed use complies with all requirements set forth for the issuance of the required planning entitlement;
 - b. The proposed use will not substantially increase vehicular traffic on any street in a residential zone;
 - c. The proposed use will not lessen the suitability of any nearby commercially zoned property for commercial use by interfering with pedestrian traffic;
 - d. The proposed use will not create increased traffic hazards to pedestrians when located near a school, place of worship, auditorium, theater or other place of assembly; and
 - e. Adequate conditions have been applied through the required planning entitlement to prevent adverse impacts on surrounding properties with respect to noise, trespass, and litter control.
2. **Circulation Plan.** A pedestrian and vehicular circulation plan shall be submitted along with any required application submittal items. Such plan shall indicate how pedestrian and vehicular traffic will be separated to provide for pedestrian safety. The plan shall also indicate how vehicles will circulate to and through the drive-through or use drive-up facilities in manner that will not impede traffic flow on any public right-of-way.
3. **Setbacks.** Additional setback requirements may be applied by the responsible Review Authority where deemed necessary for the safety, welfare, and protection of adjacent properties.

4. **Location of Drive Aisles.** Drive-through aisles shall be inwardly focused within the site and located away from adjoining streets and adjoining properties, wherever feasible. The driveway width shall be determined by the City Engineer and the Director.
5. **Pedestrian Walkways.** Pedestrian walkways (including ADA access areas) shall not intersect the drive-through access aisles unless they have clear visibility and are emphasized by enhanced paving or markings.
6. **No Reduction in Off-street Parking.** The provision of drive-through and drive-up service facilities shall not result in a reduction in the number of required off-street parking spaces, unless otherwise approved through an Administrative Modification (Section 9107.05).
7. **Waiting and Queuing Vehicles**
 - a. Drive-through access aisles shall be located entirely within the property and shall provide sufficient space for waiting vehicles, as established by the required circulation plan.
 - b. Drive-through lanes shall be designed separately from drive-through access aisles and shall avoid the blocking of parking stalls and pedestrian access.
8. **Menu and Preview Boards.**
 - a. Approval of a menu and preview board shall be subject to the approval of a Sign Permit pursuant to Subsection 9103.11.120 (Procedures for Sign Permits, Exemptions, and Revocation) before installation of any signs on the subject site.
 - b. As practical, visibility of outdoor menu and preview boards shall be minimized from any adjoining street(s). Additional landscape areas or shrub plantings may be required to provide proper screening.
9. **Noise.** Amplification equipment (speakers at menu boards, piped music, etc.) shall be located so as not to adversely impact adjoining uses and shall be operated in compliance with Article IV, Chapter 6 (Noise Regulations).
10. **Wall Required When Adjoining Residential Uses.** A minimum six-foot-high solid decorative masonry wall shall be constructed on each property line that adjoins a parcel zoned for and/or developed with a residential use, and a minimum six-foot-high solid masonry wall shall be constructed on interior property lines for all zones. The design of the wall and the proposed construction materials shall be subject to review and approval through Section 9107.19 (Site Plan and Design Review) process. A minimum five-foot-deep landscaping strip shall be provided between the wall and any driveway.
11. **Lighting.** All exterior lighting shall be arranged and shielded to prevent any glare or reflection and any nuisance, inconvenience, and hazardous interference of any kind on adjoining streets or property.
12. **Restrooms Location.** All restrooms for which exterior access is provided shall not be located along any street frontage. Restroom entrances shall be screened from view of adjacent properties or street rights-of-way by solid decorative screening.
13. **Deliveries.** For lots located within 150 feet of a residential zone, deliveries shall be limited to between the hours of 7:00 AM and 10:00 PM

9104.02.140 Emergency Shelters

Amended by Ord. No. 2400

A. Purpose and Applicability. Consistent with Government Code § 65582, 65583(a) and 65589.5, all California cities are required to identify a zone in which to permit emergency shelters as a matter of right. The purpose of regulating the siting of emergency shelters is to ensure the development of emergency shelters do not adversely impact adjacent parcels or the surrounding neighborhood, and shall be developed in a manner which protects the health, safety, and general welfare of nearby residents and businesses while providing for the housing needs of the homeless. In compliance with Government Code Section 65573 subdivision (a)(4), emergency shelters shall be a permitted use as a matter of right, without the requirement of a conditional use permit or other discretionary permits in applicable zoning classifications that permit residential uses and residential mixed uses, as specified in AMC Division 2: Zones, Allowable Uses, and Development Standards.

Permit Processing, development, and management standards applied in this section shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

B. Development and Use Standards. The development and use standards set forth in Division 3 for the zone in which the emergency shelter is located shall apply, unless otherwise specified here.

Emergency shelters may only be subject to those development standards that apply to residential or commercial development within the same zone except that the City of Arcadia provides the following objective standards for emergency shelters:

1. No emergency shelter shall contain more than 30 beds and shall serve no more than 30 homeless persons at any one time.
2. Longer residency by those enrolled and regularly participating in a training or rehabilitation program. Services shall be provided to assist residents to obtain permanent shelter, income, and services. No individual or household may be denied emergency shelter because of an inability to pay.
3. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary and directed away from adjacent properties and public rights-of-way. The intensity shall comply with standards City performance standards for outdoor lighting.
4. No more than one emergency shelter shall be permitted within a radius of 300 feet of another such facility. The development may provide one or more of the following specific common facilities for the exclusive use of the residents:
5. Interior on-site waiting and client intake areas must be at least 200 square feet. Outdoor onsite waiting areas may be a maximum of 100 square feet, and must be located within 50 feet of the public right-of-way.
6. Parking and outdoor facilities shall be designed to provide security for residents, visitors, and employees.
7. The development may provide one or more of the following specific common facilities for the exclusive use of the residents:
 - a. Central cooking and dining room(s)
 - b. Recreation room
 - c. Counseling center
 - d. Child care facilities
 - e. Other support services deemed appropriate by the Director
8. Provide sufficient on-site parking for emergency shelters to accommodate all employees in the emergency shelter, Parking Standards described in Section 9103.07 (Off-Street Parking and Loading) shall not require more parking for emergency shelters than other residential or commercial uses within the same zone.

C. Management Standards. Emergency shelters may only be subject to those management standards that apply to residential or commercial development within the same zone except that the City of Arcadia provides the following objective standards for emergency shelters:

1. The emergency shelter provider/operator shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, transportation issues, security, screening to ensure compatibility with services provided at the facility, and for training, counseling, and treatment programs for resident.
2. Onsite management of the facility shall be required during all open hours of operation.
3. The emergency shelter facility shall demonstrate that it is in and maintains in good standing with County and/or State licenses, if required by these agencies for the owner(s), operator(s), and/or staff on the proposed facility.

9104.02.145 Employee Housing

Amended by Ord. No. 2400

A. Purpose and Applicability. Consistent with California Health and Safety Code 17021.5, 17021.6, and 17021.8, the Employee Housing Act requires cities to establish administrative requirements for the construction and maintenance of employee housing, as defined in Section 9109.01.060 of the Municipal Code.

B. Standards. For the zones in which employee housing is permitted in Division 2, the following standards shall apply:

1. Employee housing for six or fewer employees shall be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone.
2. Employee housing consisting of no more than 12 units or 36 beds will be permitted in the same manner as other agricultural uses in the same zone.

9104.02.150 Extended Hours Uses

A. Purpose and Applicability. This Subsection provides standards for the location, development, and operations of establishments with extended hours, as defined in Section 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards). Whenever the regulations of this Subsection are conflict with any other provision of this Code, the requirements of this Subsection shall control.

B. Standards. Retail sales with extended hours shall comply with all of the following standards:

1. **Hours of Operation – Alcoholic Beverage Sales.** The City shall reserve the right to restrict the hours that retail businesses may sell alcoholic beverage sales for off-premise consumption.
2. **Limitations of Retail Space of Alcoholic Beverages.** The City shall reserve the right to place limits on the amount of retail space that may be devoted to the sale and display of alcoholic beverages.
3. **Lighting.** Lighting shall be provided within the parking area to provide adequate lighting for patrons to comply with Electrical and Building Code requirements. Such lighting shall be oriented and shielded in a manner that avoids impacts on surrounding properties.
4. **Litter Receptacles.** Adequate litter receptacles shall be provided. Information on the location and type of litter receptacles shall be provided as part of any associated permit.
5. **Loitering.** The operator of the business shall ensure that loitering does not occur around the entryways or in the parking areas.
6. **Deliveries.** For lots located within 150 feet of a residential zone, all deliveries shall be between the hours of 7:00 AM and 10:00 PM.

9104.02.160 Hazardous Waste Facilities

- A. Purpose and Applicability.** This Subsection establishes standards to control the location, design, and maintenance of hazardous waste facilities to protect the health, quality of life, and environment for Arcadia residents. The provisions in this Subsection shall apply to hazardous waste facilities as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards).
- B. Consistency with County Hazardous Waste Management Plan.** Any application for a hazardous waste facility or project shall be subject to all applicable regulations set forth in the Arcadia Municipal Code and the County Hazardous Waste Management Plan. All requirements of the City with regard to hazardous waste facilities shall be consistent with those portions of the approved County Plan which identify general areas or siting criteria for hazardous waste facilities. The County Hazardous Waste Management Plan (CoHWMP) is that plan approved by the State Department of Health Services on November 30, 1989, copies of which are on file in the office of the City Clerk and Public Works Department. This plan as it now exists or may be amended is hereby adopted and incorporated by reference as part of the Arcadia Municipal Code.
- C. City Requirements and Conditions.** Nothing set forth in this Subsection nor any requirement incorporated by reference shall limit the authority of the City to attach appropriate conditions to the issuance of any Conditional Use Permit for a hazardous waste facility to protect the public health, safety or welfare, and does not limit the authority of the City to establish more stringent requirements or siting criteria than those specified in the CoHWMP.

9104.02.170 Home Occupations

- A. Purpose and Applicability.** This Subsection provides standards for the location, development, and operations for the conduct of home occupations. The provisions in this Subsection shall apply to home occupations as defined in Division 9 (Definitions). A home occupation shall only be allowed as an accessory use on a parcel with one or more legal residential dwelling units. All home occupations shall comply with all applicable standards identified in this Subsection.
- B. Business License Required.** The operator of the home occupation shall procure a City Business License issued in compliance with Municipal Code Article VI (Businesses, Professions, Trades, and Occupations).
- C. Standards.** Every home occupation shall comply with all of the following standards.
 1. Only the permanent resident(s) of the subject dwelling shall be employed on the premises in the conduct of a home occupation.
 2. No more than two Home Occupation Permits shall be issued and effective per residential unit at any given time.
 3. Exterior use or storage of material or mechanical equipment associated with the home occupation shall not be allowed.
 4. The home occupation shall not involve the use of structures other than those allowed in the subject residential zone.
 5. Not more than one room or a maximum of 600 square feet, whichever is greater, shall be used for the home occupation, except for large family and small family day care uses, as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards). Use of the garage shall be allowed only when all required vehicle storage and garage parking is maintained in compliance with this Development Code, and the garage doors shall remain closed at all times, except when a vehicle is entering or exiting the garage.
 6. The appearance of the dwelling or any accessory structure shall not be altered so that the dwelling may be reasonably recognized as serving a nonresidential use (either by color, construction, dust, lighting, materials, noise, odors, sounds, vibrations, etc. or that disturbs the peace). The existence of a home occupation shall not be apparent beyond the boundaries of the subject site.
 7. There shall be no use of utilities or community facilities beyond that normal to the reasonable use of the property for residential purposes as defined in the zone.
 8. Visitor Limit

- a. A home occupation may not generate the number of visitors (e.g., pedestrian and/or vehicular traffic) beyond that considered normal within the surrounding residential neighborhood. A home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises in a manner different from normal residential usage.
- b. This provision shall not be construed to limit the business transacted by the operator of the home occupation solely by means of the Internet, mail, telephone, or similar means of communications, or while away from the site of the home occupation.
- c. Visitation and deliveries incidental to the home occupation shall be limited to the hours between 7:00 AM and 7:00 PM Monday through Friday and 8:00 AM to 6:00 PM on Saturdays and Sundays.

9. **Vehicle Size Limitation.**

Only one vehicle, owned or leased by the operator of the home occupation, not to exceed one-ton rated carrying capacity (manufacturer's specifications) may be used by the occupant(s) directly or indirectly in connection with a home occupation and parked at the residence. If such a vehicle uses the residence for parking, a dedicated space shall be provided in addition to any parking otherwise required by this Development Code. The vehicle shall be parked or stored at all times within an entirely enclosed garage.
10. For rental property, the property owner or property management's written authorization for the proposed use shall be obtained and submitted with the application for a Business License.
11. All existing home occupations shall conform to all applicable Development Code requirements upon renewal of the annual Business License.

9104.02.180 Hotel Condominiums

A. Purpose and Applicability. The specific purpose of these regulations are to ensure that hotel condominium projects are conditioned upon development approval in such a way as to ensure appropriate public health, safety, welfare, and land use classifications and standards; to mitigate potential impacts of hotel condominium on traffic congestion, parks and recreation, air quality, structure design and safety, police, fire, and emergency services; to ensure other adequate public facilities; to allow hotel condominium development projects' financial flexibility; to prohibit conversion of existing hotels to hotel condominium; and to provide the City with appropriate licensing, taxation, and ownership and operational controls. The provisions in this Subsection shall apply to hotel condominium uses as defined in Division 9 (Definitions), and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards) or an applicable specific plan.

B. Regulations.

1. No person or entity shall construct or operate a hotel condominium without first obtaining all necessary entitlements of this Development Code. Except as specifically provided for in this Subsection, all other provisions of the Municipal Code, including, without limitation, Article VIII (Building Regulations) and Development Code Division 5 (Subdivisions), shall be applicable to the construction and maintenance of hotel condominium. In the event of any conflict in provisions, the more specific provisions contained in this Subsection shall prevail over any general provisions set forth in the Municipal Code.
2. Each hotel condominium shall be subject to subdivision approval by the City as a tentative subdivision or as a vesting tentative subdivision.
3. Approval shall be subject to required conditions necessary to carry out the provisions of this Subsection.

C. Application. An application for a hotel condominium shall include the following requirements, in addition to any other information that the City may determine is necessary to review the application. No hotel condominium shall be approved without approval of all of the following requirements.

1. **Site Plan.** A site plan shall include the following:

- a. A legal description of the subject property;
- b. The property owner's name and address;
- c. Easements, liens and encumbrances;
- d. Proof of title in the applicant, or authority of the applicant to apply on behalf of the title owner;
- e. Location of boundary property lines;
- f. Location, width, and names of all existing or planned streets or other public ways within or adjacent to the project;
- g. Location, sizes, elevations and slopes of existing sewers, water mains, culverts, and other underground structures within the project and immediately adjacent;
- h. Any existing structures and uses;
- i. All existing uses within a distance of 400 feet from any project boundary; and
- j. Preliminary landscape design and plans for all structures proposed on site to meet the exterior and interior standards required for the hotel condominium.

2. **Development Agreement.** A Development Agreement application, which shall provide for enforcement of all conditions and standards required by this Subsection, and in conformance to Section 9107.11 (Development Agreements). In addition to any other provisions that may properly be included within the Development Agreement, the parties may agree to terms and conditions that are different from, or in addition to, and supersede the provisions and requirements of this Subsection.
3. **Conditions, Covenants and Restrictions (CC&Rs).** The proposed CC&Rs for the hotel condominium containing all the specific provisions required by 9104.02.180.D (Standards). In addition, the CC&Rs shall, at a minimum, provide how the development will, on an ongoing basis, be managed and operated, and how the management and operation will be funded.
4. **Environmental Assessment.** Each hotel condominium application shall provide information necessary for the City to perform an environmental assessment of the proposed Hotel Condominium project pursuant to the California Environmental Quality Act (Public Resources Code, Sections 21080 through 21094 and its implementing regulations).
5. **Subdivision Application.** Each hotel condominium application shall be accompanied by an application for a tentative or vesting tentative map pursuant to Division 5 (Subdivisions) of this Development Code.

D. Standards. The hotel condominium shall comply with all the development, use, area, parking, landscaping, and other applicable standards of the zone in which the project is located. Each hotel condominium shall also comply with the following standards, conditions, and requirements, as well as all other provisions of this Subsection:

1. Each hotel condominium shall be designed to provide a sufficient level of recreation facilities and other amenities (as determined by the responsible Review Authority) to serve the occupants, as the extent of the facilities provided shall be proportional to the size and number of units at the project.
2. The CC&Rs submitted with the hotel condominium application shall require operation, on a seven day a week basis, of the following services: room service, housekeeping, food and beverage service, concierge, parking, and bellman services.
3. For purposes of determining any payments referenced in paragraph 9. below, a central reservation system for rental of all units, as customarily employed by qualified hotel condominium management shall be provided for all units in the rental program.

4. All unit owners shall obtain third-party insurance as required by the hotel condominium management.
5. No condominium unit may be converted into any form of permanent residence.
6. No more than one unit in each hotel condominium shall be used for the occupancy by a person or family serving as the on-site manager of the hotel condominium. Such unit must be owned by the declarant under the CC&Rs, the hotel condominium association, or the hotel condominium management, and shall not be used for homestead purposes.
7. All hotel condominium units shall be completely furnished with furniture and appliances to the standards established by the hotel condominium management. A furniture, fixtures, and equipment reserve account shall be established and maintained to maintain and, when necessary, replace the furniture, fixtures, and equipment within the units to maintain the facility in its first-class hotel standard. In addition to the foregoing account, a reserve fund shall be established and maintained subject to State general law and Department of Real Estate regulations.
8. A front desk and lobby area accessible to members of the public shall be provided.
9. Every hotel condominium shall be subject to the City's Transient Occupancy Tax (Article II, Chapter 6, Part 6), as may be amended from time to time. If for any reason a Transient Occupancy Tax (TOT) is not collected or collectable subject to the requirements of applicable provisions, as they may be amended from time to time, the City may require, as a term of the required Development Agreement, that an amount determined by mutual agreement of the applicant and the City Council shall be paid monthly or quarterly (at the sole election of the City Council) in an amount equivalent to the funds that would have been raised by the collection of the TOT. Upon request of the City Manager or designee, the hotel condominium operator shall promptly provide to the City and its agents access during normal business hours to all rental records, tax receipts, or any other documents relating to the hotel condominium and the hotel condominium units necessary to verify conformance with the collection of the TOT.
10. Each unit owner shall become a member of a hotel condominium association subject to the CC&Rs, composed of unit owners within the same hotel condominium. No unit in a hotel condominium shall be used as a timeshare, fractional, or other vacation ownership unit.
11. All ancillary or accessory uses to a hotel condominium, such as dining rooms, restaurants or cafes, shall be operated within the same structure or structures and principal access to all facilities shall be through an inside lobby, which shall have a front desk or office.
12. Hotel condominium facilities shall be classified as a vacationing tourist dwelling facility, which may include convention uses, group sales, special events, and other uses typically associated with resort hotels, and shall not permit permanent owner occupancy.
13. Each condominium unit must be made available to hotel guests for transient use.

9104.02.190 Karaoke and/or Sing-Along Uses

A. Purpose and Applicability

This Subsection provides standards for the location, development, and operations for karaoke and/or sing-along uses, as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards) and the following standards.

B. Standards. All karaoke and/or sing-along uses shall comply with all of the following standards.

1. **Accessory to an Eating or Drinking Establishment Use.** Karaoke uses shall only be permitted as an accessory use to the following eating and drinking establishment, as defined in Division 9 (Definitions): Bars, Lounges, Nightclubs, Taverns; Restaurant, Large; and Restaurant, Small. Floor area devoted to karaoke uses shall not exceed 49 percent of the area devoted to seating and dining.

2. **Hours of Operation.** Hours of operation shall be determined by the applicable Minor Use Permit or Conditional Use Permit, and no patrons shall be on the premises outside of these hours.

3. **Operational Regulations**

- a. The business premises shall be open and available for inspection by any lawful agent of the City during regular business hours.
- b. All employees shall be apprised of all conditions of the any approved planning entitlement.
- c. If private booths or rooms are provided, each such booth or room shall have windows or other openings that allow for observation outside of the booth or room.

9104.02.200 Kennels; Animal Board and Care

Amended by Ord. No. 2375

A. **Purpose and Applicability.** The provisions in this Subsection shall apply to kennels and similar animal board and care facilities, as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards).

B. **Location Restricted.** No person shall keep more than three dogs over the age of four months in any dwelling in the City. Commercial animal kennel/boarding business as permitted under Division 2 (Zones, Allowable Uses, and Development Standards) shall not be located within 250 feet from a residentially zoned property.

C. **Permit Required.** No person shall carry on the business of keeping dogs for breeding purposes or for the purpose of medical treatment of dogs, or caring for dogs for hire, without first obtaining a permit from the Council, subject to Article VI, Chapter 1, Part 2, Division 6 (Keeping, Treating and Breeding) of the Municipal Code, to keep or maintain a kennel.

9104.02.210 Live/Work Units

Amended by Ord. No. 2375

A. **Purpose and Applicability.** The provisions in this Subsection shall apply to live/work units, as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards). Live/Work units are considered nonresidential facilities and counted towards the nonresidential floor area ratio, not the residential density.

B. **Limitations on Use.** The nonresidential component of a live/work project shall be a use allowed within the applicable zone in compliance with Division 2 (Zones, Allowable Uses, and Development Standards). A live/work unit shall not be allowed to include any of the following land uses or activities:

1. Vehicle Repair and Service
2. Maintenance and Repair Services
3. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use.
4. Manufacturing or industrial activities, including but not limited to welding, machining, or any open flame work.
5. Any other activity or use, as determined by the Director to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents due to the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts, or would be hazardous because of materials, processes, products, or wastes.

C. Design Standards

1. **Floor Area Requirement.** The nonresidential portion of the live/work unit shall be at least 25 percent, but no more than 50 percent, of the area of each unit, in order to ensure that the commercial portion remains accessory to the primary residential use and comply with California Building Code requirements. All floor area other than that reserved for living space shall be reserved and regularly used for working space.
2. **Separation and Access of Individual Units.** Each live/work unit shall be separated from other units and other uses in the building. Access to each unit shall be provided from shop fronts, directly from the sidewalk parallel to the primary or secondary street, from common access areas, corridors, or halls. The access to each unit shall be clearly separate from other live/work units or other uses within the building. Living space shall be located in the rear ground level or second floor and above to maintain activity and commercial access along the frontage.
3. **Facilities to Accommodate Commercial Activities.** A live/work unit shall be designed to accommodate nonresidential uses as evidenced by the provision of ventilation, interior storage, flooring, and other physical improvements of the type commonly found in exclusively nonresidential facilities used for the same work activity.
4. **Integration of Living and Working Space.** Areas within a live/work unit that are designated as living space shall be an integral part of the live/work unit and not separated (or occupied and/or rented separately) from the work space, except that mezzanines and lofts may be used as living space subject to compliance with the other provisions of this Subsection, and living and working space may be separated by interior courtyards or similar private space.

D. Operating Requirements

1. **Occupancy.** A live/work unit shall be occupied and used only by the operator of the business within the unit, or a household of which at least one member shall be the business operator.
2. **Business License Required.** At least one of the residents of a live/work unit shall be required to have a business license with the City of Arcadia, issued pursuant to Municipal Code Article VI (Businesses, Professions, Trades, and Occupations).
3. **Sale or Rental of Portions of Unit.** No portion of a live/work unit may be separately rented or sold as a commercial space for any person not living in the premises or as a residential space for any person not working in the same unit.
4. **Non-Resident Employees.** One person who does not reside in the live/work unit may work in the unit unless this employment is prohibited or limited by the minor use permit. The employment of two or more persons who do not reside in the live/work unit may be permitted, subject to minor use permit approval, based on additional findings that the employment will not adversely affect traffic and parking conditions in the site vicinity. The employment of any persons who do not reside in the live/work unit shall comply with all applicable Building Code, Occupational Safety and Health Administration (OSHA), and other state and federal regulations.
5. **Client and Customer Visits.** Client and customer visits to live/work units are permitted subject to any applicable conditions of the minor use permit, to ensure compatibility with adjacent commercial or industrial uses, or adjacent residentially zoned areas or uses.

9104.02.220 Mobile Food Vending

Amended by Ord. No. 2347

- A. **Purpose and Applicability.** The purpose of this Subsection is to ensure that off-street mobile food vending is compatible with surrounding and adjacent uses and does not create an adverse impact on adjacent properties by reason of noise, parking and litter. Mobile food vending in the right-of-way is subject to Arcadia Municipal Code Section 3231 et seq. (Selling and Distributing on Streets).
- B. **Special Events that Include Mobile Food Vending.** The provisions of this Subsection shall not apply to persons operating a mobile vendor vehicle as part of a certified farmer's market, or an authorized street fair or other event occurring under a special permit issued by the City of Arcadia, provided that the vehicle is part of the event and is complying with all terms of the permit or permits issued for the event.

C. Temporary Use Permit Required. No mobile vendor vehicles shall operate on private property without filing for and receiving approval of a Temporary Use Permit. No Temporary Use Permit shall be issued for a mobile vendor vehicle unless it conforms to the requirements of this Subsection and the findings can be made under the Temporary Use Permit requirements.

D. Operational Requirements. Mobile vendor vehicles operating on private property shall comply with the following requirements:

1. **Written Approval of Owner.** The written approval of the owner of the location shall be obtained. A copy of this approval shall be provided to the Director with the Temporary Use Permit application, prior to operating at the location. The vendor shall maintain proof of the owner's approval in the vehicle. The person operating the mobile vendor vehicle shall present this proof upon the demand of a peace officer or city employee authorized to enforce this article.
2. **Impervious Surface Parking.** The vehicle shall only be stopped, standing or parked on surfaces paved with concrete, asphalt or another impervious surface.
3. **Litter Removal.** The mobile vendor vehicle and surrounding property shall be maintained in a safe and clean manner at all times. The mobile food vendor must remove litter caused by its products from any public and private property within a 25-foot radius of the vending vehicle's location.
4. **No Discharge of Liquid.** The mobile food vendor shall not discharge any liquid (e.g., water, grease, oil, etc.) onto or into City streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the mobile food vendor.
5. **Temporary Shade Structures.** Temporary shade structures shall be removed whenever the mobile vendor vehicle is not operating.
6. **Noise.** The mobile food vendor shall be subject to the noise provisions set forth in Article IV, Chapter 6 (Noise Regulations) of the Arcadia Municipal Code. The operation shall at all times be conducted in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions. The applicant shall prohibit loitering at the site and shall control noisy patrons on-site and those leaving the premises. No amplified music or loudspeakers shall be permitted.
7. **Hours of Operation.** No mobile food vending shall operate before 8:00 AM or after 11:00 PM, including set-up and clean-up.
8. **Business License Required.** The mobile food vendor must have a valid business license issued by the City pursuant to Municipal Code Article VI (Businesses, Professions, Trades, and Occupations). As part of its application for a business license, the mobile food vendor shall furnish to the City evidence of insurance, as deemed acceptable in the reasonable discretion of the City, against liability for death or injury to any person as a result of ownership, operation, or use of its vending vehicles.
9. **Health Permit Required.** The mobile food vendor must have a valid permit issued by the Los Angeles County Department of Health. All required County Health permits must be in the possession of the mobile food vendor at all times during which it operates within the City.
10. **Fire Department Inspection.** All mobile food vendors' vending vehicles shall be inspected and approved by Arcadia Fire Department prior to issuance of its initial business license and from time to time thereafter in the discretion of the Arcadia Fire Department. At a minimum, all cooking equipment producing grease laden vapors shall be protected by a UL 300 listed automatic fire extinguishing system. A Class K fire extinguisher shall be provided within each vending vehicle at an accessible location. All fire protection equipment shall be properly maintained and serviced at intervals required by the California Fire Code.

9104.02.230 Outdoor Dining Uses on Public Property

A. Purpose and Applicability. Outdoor dining uses on public property must not be inconsistent with the underlying dedication for public right-of-way, must not impede vehicular and pedestrian travel, and must not interfere with the rights of adjoining property owners. The City may permit such uses on a temporary or nonpermanent basis, and the City may revoke permits for and/or terminate such uses pursuant to the provisions of this Subsection. A permit granted pursuant to this Subsection is not a land use entitlement that runs with the land. The provisions in this Subsection shall apply to outdoor dining on public property as defined in Division 9 (Definitions) under Eating and Drinking Establishments, Outdoor Dining. Outdoor dining uses on public property are allowed only on public walkways abutting a private property that is located on a block entirely within a non-residential or mixed-use zone. Outdoor dining areas located within private property is subject to the Section 9104.02.240 (Outdoor Dining - Incidental).

B. Permits Required

1. **Encroachment Permit.** No person shall establish any outdoor dining area within a public right-of-way, except subject to a written encroachment permit approved by the Director subject to this Subsection. This Subsection shall not be applicable to any activity performed subject to and permitted by other specific provisions of this Code or to other obstructions prohibited by other specific provisions of this Code.
2. **Planning Permit.** Any person establishing an outdoor dining area within a public right-of-way shall be required to obtain any applicable planning permits required for the use in their respective zones in compliance with Division 2 (Zones, Allowable Uses, and Development Standards). All outdoor dining areas on public property require at least review and approval of a Site Plan/Design Review pursuant to Section 9107.19 (Site Plan and Design Review), and may be subject to additional permit requirements as identified in the land use tables in Division 2.

C. Application Requirements

An application for the above permits shall include a declaration under penalty of perjury that all information is true and correct and shall contain, at a minimum, the following information:

1. The name and business address of the applicant if a natural person; if an entity, the name and address and the names and addresses of the individual authorized to bind the entity in contract; if a corporation, the name, address, and telephone number of the president or chairman, of the agent for service of process and of the local manager, if any, and the State of incorporation.
2. Plans satisfactory to the Director that show in detail the dimensions of the outdoor dining area, a description of its use, and the arrangement of the occupancy including, but without limitation, all obstructions and activities in the public walkway, the number of seats, tables, a schedule of time of use, and all utility connections to be utilized in connection with the occupancy.
3. Sufficient evidence to establish to the satisfaction of the Director that the proposed use is not inconsistent with the underlying dedication for public right-of-way and is not inconsistent with the City's title or estate in the underlying public walkway.
4. Proof of approval by the Director that the abutting property has previously received all zoning entitlements consistent with the operation of a outdoor dining area and is in compliance with all zoning regulations.

C. Change in Permitted Use. The size of a permitted outdoor dining area shall not be increased or the arrangement substantially altered, unless the Director has reviewed and approved a new application as required under this Subsection.

D. Required Findings. No permit shall be issued until the application is approved by the Director upon satisfaction of the following findings:

1. The proposed outdoor dining activity meets the standards of this subsection; and

2. The proposed outdoor dining activity does not interfere with the use of the public right-of-way by adjoining property owners and tenants; and
3. The proposed outdoor dining activity is complementary to and not inconsistent with the underlying dedication for public right-of-way and is not inconsistent with the City's title or estate in the underlying public walkway; and
4. The proposed outdoor dining activity does not impede travel on the public walkway or create safety and health hazards; and
5. The proposed outdoor dining activity meets the required findings, if any, of other permits required by the Development Code.

E. Encroachment Permit Standards. An encroachment permit pursuant to Municipal Code Article VII, Chapter 2, Part 7 (Sidewalk Dining on Public Walkways) is required for any outdoor dining located in the public right-of-way. All permits issued subject to the terms of this Subsection shall conform to all of the following requirements. No permit shall be issued which does not comply with these standards.

1. The minimum width of the public walkway and unobstructed minimum public walkway width of the outdoor dining area meet the requirements of the City Engineer and Director based on field inspections and the standards specified in this Subsection.
2. The outdoor dining area shall not extend beyond the side boundaries of the abutting properties and shall not be located in a manner that interferes with the flow of pedestrian or other traffic.
3. Outdoor dining shall be limited to the hours of operation of the associated indoor dining.
4. All markings, fencing, dividers, and obstructions shall be reviewed and approved by the Director to ensure that they are in keeping with all the Code requirements and specific design guidelines for an area.
5. There shall be no covering over any part of the outdoor dining area except for awnings or coverings attached to the abutting structure and approved subject to all City requirements, including all other applicable requirements of this Code. Individual fire-treated umbrellas shall be permitted.
6. A permit may be issued only to the owner and operator of a business of the property abutting the outdoor dining area.
7. A permit shall not be transferrable to any entity or person and is valid only as to the original applicant.
8. The use, occupation, and obstruction of the public walkway which is permitted under this Subsection may be temporarily suspended, without prior notice or hearing, when, in the discretion of the Director, any such use, occupation, or obstruction may interfere with public safety efforts or programs, street improvement activities, construction activities, cleaning efforts, or other similar activities or with the public health, welfare, or safety.
9. The outdoor dining area shall be kept in a good state of repair and maintained in a clean, safe, and sanitary condition.
10. The outdoor dining area shall be cleared of all tables, chairs, and other obstacles at the end of each business day.
11. There shall be no modification of the texture of the surface of the public walkway.
12. The outdoor dining area shall not be permitted on the arc area of curb at any corner parcel, and shall not be permitted within 10 feet of any driveway or alley.
13. The outdoor dining area shall be located in a manner which will not interfere with visibility, vehicular or pedestrian mobility, or access to City or public utility facilities. The determination of whether an outdoor dining area or any part thereof interferes shall be made by the Director at the time of application based on the characteristics of each proposed site.

14. The outdoor dining area shall be made available for routine and emergency work by the City and utility companies and their agents at all times.
15. The outdoor dining area shall comply with ADA and Title 24 of the California Building Code handicap accessibility requirements.
16. The Director may place additional conditions upon the issuance of the permit to ensure the protection of the public rights-of-way and the rights of all adjoining property owners and the health, safety, and welfare of the public.
17. Permits shall be considered temporary and nonpermanent in nature, and the permittee shall have neither property interest in nor any entitlement to the granting or continuation of any such permit.
18. Permits may be terminated or suspended by the Director at any time upon good cause as determined by the Director, regardless of the nature and scope of the financial or other interest in, or on account of the permit or the permitted uses.
19. Permits, outdoor dining areas, and obstructions shall comply with all other applicable City and other governmental requirements including, without limitation, zoning and design review, except as otherwise provided in this Chapter 1 (Development Code).

F. Indemnification of City. As a condition of issuance, the permittee, and any person acting under or subject to the permit, agrees to indemnify, hold harmless, release, and defend the City, its Council and each member thereof, and its officers, employees, commission members, and representatives, from and against any and all liability, loss, suits, claims, damages, costs, judgments, and expenses (including attorney's fees and costs of litigation) which in whole or in part result from, or arise out of, or are claimed to result from or to arise out of any acts, negligence, errors or omissions (including, without limitation, professional negligence) of permittee, its employees, representatives, subcontractors, or agents by reason of or arising out of or in any manner connected with, any and all acts, operations, privileges authorized, allowed, or undertaken subject to the permit including, without limitation, any condition of property used in the operations.

This agreement to indemnify shall include, but not be limited to, personal injury (including death at any time) and property or other damage sustained by any person or persons (including, but not limited to, companies, or corporations, permittee and its employees or agents, and members of the general public).

As a further condition of issuance of the permit, permittee shall covenant not to sue the City, its employees, agents, and representatives and shall cause its insurers to waive subrogation against the same with respect to any action, cause of action, claim or demand in any way resulting from or connected with any and all undertakings and operations conducted subject to the permit.

G. Liability Insurance. The City shall establish by resolution the minimum levels and standards of liability insurance and claims reserve which must be maintained in order to apply for, to receive, and to operate with a permit. The failure to maintain the minimum levels and standards of liability insurance for any period of time shall be sufficient grounds for revocation of a permit.

H. Extent of Zoning Compliance. Use of a public walkway under this Subsection is on a temporary and nonpermanent basis, allowed as a special privilege, and not as a matter of right. A permit granted under this Subsection is not a land use entitlement that runs with the land. Notwithstanding anything in this Code to the contrary, any outdoor dining area and related obstruction permitted subject to an Outdoor Dining Permit shall not be subject to any other requirements of this Subsection. In particular, but not by way of limitation, an Outdoor Dining Permit shall not be construed to increase the floor area, square footage, or number of seats of the use of the abutting property.

I. Termination. The Director may notify the permittee in writing of a termination or suspension and specify the time within which the termination or suspension is to take place or, in the discretion of the Director, immediately terminate the permit without prior notice. Upon delivery of a notice of termination, the Director shall have the right to require the immediate removal of all obstructions in the public walkway, and may perform such removal if the permittee fails to do so within such time as specified by the Director. The permittee shall reimburse the City for any expense incurred by the City in removing any obstruction in the event it is not removed by the permittee within the time required by the Director. Should the permittee continue to use the public walkway after the permit has been terminated, the Director may take appropriate action to restrain the use of the public

walkway by permittee and, in such event, the permittee shall reimburse the City for its reasonable costs and expenses in connection therewith, including reasonable attorney's fees and court costs.

J. Lapse or Revocation and Refusal to Issue

1. Use of a public walkway under this Subsection is on a temporary and nonpermanent basis, of which the City can refuse to issue, revoke/terminate pursuant to the provisions of this Subsection.
2. A person desiring a permit for an outdoor dining area which has been the subject, in part or whole, of a prior permit which has lapsed, been revoked, or terminated shall file a new application and shall pay the application fee specified by resolution of the City Council.
3. The Director may refuse to issue such a permit for an outdoor dining area if an applicant for renewal fails to meet any requirements for a new permit, or if such person has failed or refused:
 - a. To pay any fees for permits or charges as provided by this Subsection; or
 - b. To provide a certificate of liability insurance as specified in this Subsection; or
 - c. To repair public improvements or other property damaged as a result of the occupancy of the public walkway; or
 - d. To demonstrate readiness and willingness to comply with the terms of this Subsection, with the standards promulgated subject to this Subsection, or with the terms of the permit.

K. Violation – Penalty. Any individual establishing, operating, or maintaining an outdoor dining area without a valid permit issued subject to this Subsection or is in violation of any of the standards or requirements of this Subsection or who knowingly submits false information for the purposes of obtaining such a permit is guilty of a misdemeanor and may be prosecuted subject to applicable provisions of Article 1, Chapter 2 (Penalty Provisions) of the Municipal Code.

9104.02.240 Outdoor Dining - Incidental

- A. Purpose and Applicability.** The provisions in this Subsection shall apply to outdoor dining, as defined in Division 9 (Definitions), that occurs on private property incidental to an otherwise permitted use, and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards). Whenever outdoor dining includes areas in both public and private property, both Subsections 9104.03.230 (Outdoor Dining Uses on Public Property) and 9104.03.240 (Outdoor Dining – Incidental) shall apply.
- B. Change in Permitted Use.** The size of a permitted outdoor dining area shall not be increased or the arrangement substantially altered, unless the Director has reviewed and approved a new application as required under this Subsection.
- C. Standards.** All permits issued pursuant to the terms of this Subsection shall conform to all of the following requirements. No permit shall be issued that does not comply with these standards.
 1. The outdoor dining area shall not extend beyond the boundaries of the subject property, and shall not be located or utilized in a manner which causes an obstruction of a public walkway or interferes with the flow of pedestrian or other traffic.
 2. The proposed outdoor dining activity shall not interfere with the use of any public walkway by neighboring property owners and tenants.
 3. The proposed outdoor dining activity shall not unlawfully alter the associated indoor dining use of the subject property.
 4. The subject property shall have previously received all necessary zoning-related approvals and shall be in compliance with those approvals.

5. A permit shall be issued only to the owner and operator of the eating establishment or restaurant that will provide the incidental outdoor dining area.
6. A permit shall not be transferable to any entity or person, and is valid only as to the original applicant.
7. The outdoor dining area shall be kept in a good state of repair and maintained in a clean, safe, and sanitary condition.
8. All fencing, dividers, appurtenances, furnishings and furniture that occur with a permitted use under this Subsection shall be reviewed and approved by the Director to ensure that they are in keeping with the aesthetic and architectural character of the area and with all approved design guidelines.
9. The outdoor dining area shall not be permitted within 10 feet of any driveway.
10. The outdoor dining area shall be located in a manner that will not interfere with visibility, vehicular or pedestrian mobility, or access to City or public utility facilities. The determination of whether an incidental outdoor dining area or any part thereof interferes shall be made by the Director at the time of application based on the characteristics of each proposed site.
11. The Director may place additional conditions upon the issuance of the permit to ensure the protection of the public walkway, the rights of all adjoining property owners, and the health, safety, and welfare of the public.
12. The hours of operation for incidental outdoor dining areas shall be limited to the hours of operation for the associated indoor dining, unless otherwise authorized in writing by the Director.
13. Permits and incidental outdoor dining areas shall conform with all other applicable City and other governmental requirements including, without limitation, zoning and design review, except as otherwise provided herein.
14. The incidental outdoor dining area shall comply with Americans with Disabilities Act (ADA) and Title 24 handicap accessibility requirements.

D. Temporary Suspension. The use which is permitted under this Subsection may be temporarily suspended, pursuant to written notice, when, in the discretion of the Director, such use may interfere with the rights, health, welfare, or safety of the neighboring property owners and the others using the area.

E. Expiration. Upon a change of ownership or if for a period of one year, the use authorized by the outdoor dining planning entitlement is, or has been, unused, abandoned, or discontinued or the conditions have not complied with, the permit shall become null and void and no effect. A new application pursuant to the requirements of the Development Code shall be required for any planning entitlement issued for outdoor dining that has been, in part or whole, expired, revoked, or terminated.

F. Revocation. Any incidental outdoor dining permit granted under this Subsection may be revoked by the Director after at least five days' written notice to the permittee if the Director determines that any applicable condition or regulation pertaining to the permit has been violated. Pursuant to the written notice, permittee shall have the opportunity to submit a written response and/or meet with the Director.

G. Refusal to Issue A Permit. The Director may refuse to issue such a permit for an incidental outdoor dining area if an applicant fails to meet any requirement for a permit, or if the applicant has failed or refused:

1. To pay any fees for permits or charges as provided by this Subsection; or
2. To demonstrate readiness and willingness to comply with the terms of this Subsection, with the standards promulgated pursuant to this Subsection or with the terms of the permit; or
3. To submit correct information for the purposes of obtaining a permit.

H. Violation – Penalty. Any individual establishing, operating or maintaining an outdoor dining area without a valid permit issued pursuant to this Subsection or in violation of any of the standards, requirements, conditions, or notice provided by the terms of this Subsection or who knowingly submits false information for the purposes of obtaining such a permit is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$1,000.

9104.02.250 Recycling Facilities

A. Purpose and Applicability. The provisions in this Subsection shall apply to recycling facilities, as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards).

B. Permits for Multiple Sites. A single permit may be granted to allow more than one reverse vending machine(s) or small collection facility located on different sites under the following conditions:

1. The operator of each of the proposed facilities is the same;
2. The proposed facilities are determined by the Director to be similar in nature, size and intensity of activity; and
3. All of the applicable criteria and standards set forth in this Subsection are met for each such proposed facility.

C. Standards. Those recycling facilities permitted with a Minor Use Permit shall meet all of the applicable criteria and standards listed. Those recycling facilities permitted with a Conditional Use Permit shall meet the applicable criteria and standards. However, the Planning Commission may impose stricter standards as an exercise of its authority upon a finding that such modifications are reasonably necessary to implement the general intent of this Chapter.

The criteria and standards for recycling facilities are as follows:

- 1. Reverse Vending Machines**
 - a. Reverse vending machine(s) shall only be allowed as accessory to a legally established commercial or industrial use.
 - b. Where a reverse vending machine is located out of doors, the following shall apply:
 - (1) Only one reverse vending machine shall be allowed on any one site.
 - (2) The reverse vending machine shall occupy no more than 50 square feet, including any protective enclosure, and shall be no more than eight feet in height.
 - (3) The reverse vending machine shall be constructed and maintained with durable waterproof and rustproof material.
 - (4) The reverse vending machine shall be clearly marked to identify the types of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.
 - (5) A single sign of a maximum of four square feet shall be permitted, exclusive of operating instructions, and shall be mounted on the machine.
 - (6) The machine and area around the machine shall be maintained in a litter-free condition on a daily basis.
 - (7) The operating hours shall not extend past those of the primary permitted use to which the reverse vending machine is accessory.
 - (8) The reverse vending machine shall be illuminated when operating hours are between dusk and dawn.
- 2. Small Collection Facilities.** Small collection facilities, where permitted, shall comply with all of the following conditions:
 - a. Shall be established in conjunction with a commercial use or community service facility which is in compliance with the Development Code, Building Code, and fire codes.
 - b. Shall be no larger than 500 square feet.

- c. Shall be set back at least 10 feet from any street-side property line and shall not obstruct pedestrian or vehicular circulation.
- d. Shall accept only glass, metal, plastic containers, papers, and reusable items. Used motor oil may be accepted with permission of the local public health official.
- e. Shall use no power-driven processing equipment, except for reverse vending machines.
- f. Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule.
- g. Shall provide for all recyclable material to be stored in containers or in the mobile unit vehicle, and shall not have materials outside of containers when attendant is not present.
- h. Shall be maintained free of litter and any other undesirable materials.
- i. Mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day.
- j. Shall comply with the noise standards established by Article IV, Chapter 6 (Noise Regulations) of the Municipal Code.
- k. Attended facilities within 100 feet of a property zoned or occupied for residential use shall operate only during the hours between 9:00 AM and 7:00 PM.
- l. Containers for the 24-hour donation of materials shall be at least 100 feet from any property zoned or occupied for residential use.
- m. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers.
- n. Signs may be provided pursuant to Section 9103.11 (Signs).
- o. The facility shall not be located in any required landscaping area.
- p. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.
- q. Occupation of parking spaces by the facility may not reduce available parking spaces below the minimum number required for the primary host
- r. No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use.
- s. If the permit expires without renewal, the collection facility shall be removed from the site on the day following permit expiration.

3. Large Collection Facilities

- a. **Required Findings.** In a decision to grant the required planning entitlement for a large collection facility, the Review Authority shall be required to make all of the following findings:
 - (1) That the facility meets the required findings of its required planning entitlement(s);

- (2) That the facility does not abut a property zoned or planned for residential and mixed-use;
- (3) That the facility will be screened from the public right-of-way by operating in an enclosed structure; and
 - (a) Within an area enclosed by a solid masonry wall at least six feet in height with a minimum five-foot-wide landscape buffer between such wall and the adjacent property lines;
 - (b) At least 150 feet from property zoned or planned for residential use.

b. **Standards.** All large collection facilities shall comply with all of the following standards.

- (1) All exterior storage of materials shall be in sturdy containers which are covered, secured, and maintained in good condition. Storage containers for flammable materials shall be constructed of nonflammable material.
- (2) Oil storage shall be in containers approved by the Arcadia Fire Department.
- (3) No storage, excluding truck trailers and overseas containers, shall be visible above the height of the wall surrounding the facility.
- (4) The site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis.
- (5) Space shall be provided on site for six vehicles or the anticipated peak customer load, whichever is higher, to circulate and to deposit recyclable materials.
- (6) One (1) parking space shall be provided for each commercial vehicle operated by the recycling facility which is kept or maintained at the facility.
- (7) Facility operations shall comply with the noise standards established by Article IV, Chapter 6 (Noise Regulations) of the Municipal Code.
- (8) If the facility is within 500 feet of property zoned, planned or occupied for residential use, it shall not be in operation between 7:00 PM and 7:00 AM.
- (9) Any containers provided for after-hours donations of recyclable materials shall be at least 100 feet from any property zoned, planned, or occupied for residential use; shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials.
- (10) Donation areas shall be kept free of litter and any other undesirable material, and the containers will be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.
- (11) The facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation.
- (12) Identification and informational signs will meet the standards of the zone. Directional signs, bearing no advertising message, may be installed with the approval of the Director, if necessary, to facilitate traffic circulation or if the facility is not visible from the public right-of-way.
- (13) Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material, may be approved as a part of the Minor Use Permit or Conditional Use Permit.
- (14) No dust, fumes, smoke, vibration, or odor above ambient level may be detectable on neighboring properties.

4. Processing Facilities

a. **Required Findings.** In a decision to grant the required planning entitlement for a processing facility, the Review Authority shall be required to make all of the following findings:

- (1) That the facility meets the required findings of its required planning entitlement(s);
- (2) That the facility does not abut a property zoned or planned for residential and mixed-use;
- (3) That the facility will be screened from the public right-of-way by operating in an enclosed structure; and
 - (a) Within an area enclosed by a solid masonry wall at least six feet in height with a minimum five-foot-wide landscape buffer between such wall and the adjacent property lines; and
 - (b) At least 150 feet from property zoned or planned for residential use.

b. **Standards.** All processing facilities shall comply with all of the following standards.

- (1) Setbacks and landscape requirements shall be those provided for the zone in which the facility is located.
- (2) All exterior storage of materials shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material.
- (3) Oil storage must be in containers approved by the Arcadia Fire Department.
- (4) No storage, excluding truck trailers and overseas containers, shall be visible above the height of the wall surrounding the facility.
- (5) Site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis, and shall be secure from unauthorized entry or removal of materials.
- (6) Space shall be provided on the site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space will be provided for a minimum of 10 customers or the peak load, whichever is higher.
- (7) One (1) parking space will be provided for each commercial vehicle operated by the recycling facility which is kept or maintained at the facility. Parking requirements shall otherwise be as required by the zone in which the facility is located.
- (8) Facility operations shall comply with the noise standards established by Article IV, Chapter 6 (Noise Regulations) of the Municipal Code.
- (9) If the facility is within 500 feet of property zoned, planned or occupied for residential use, it shall not be in operation between 7:00 PM and 7:00 AM.
- (10) The facility shall be administered by on-site personnel during the hours the facility is open.
- (11) Any containers provided for after-hours donations of recyclable materials shall be at least 100 feet from any property zoned, planned, or occupied for residential use; shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials.
- (12) Donation areas shall be kept free of litter and any other undesirable material, and the containers shall be clearly marked to identify the type of material that may be deposited. Facility shall display a notice stating that no material shall be left outside the recycling containers.

- (13) Sign requirements shall be those provided for in the zone in which the facility is located. In addition, facility will be clearly marked with the name and phone number of the facility operator and the hours of operation.
- (14) Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities, if necessary for efficient temporary storage and shipment of material, may be approved.
- (15) No dust, fumes, smoke, vibration, or odor above ambient level may be detectable on neighboring properties.

9104.02.260 Residential Care Facilities, for Seven or More Persons

- A. Purpose and Applicability.** This Subsection establishes standards for the location, development, and operations for new Residential Care Facilities that serve seven or more persons, as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards). These requirements are in addition to any applicable State and/or Federal requirements.
- B. Management and Operation.** The property shall be operated in compliance with applicable State, Federal, and local law.
- C. Standards.** Residential Care Facilities for seven or more persons shall comply with all of the following.

 - 1. **Setbacks.** The setbacks of the underlying zone shall apply. However, the Review Authority may establish greater setbacks where deemed necessary for the safety, welfare, and protection of any adjacent property.
 - 2. **Parcel Area.** The minimum parcel area for a new Residential Care Facility shall not be less than 20,000 square feet.
 - 3. **Signs.** Only one sign shall be permitted identifying the facility. All signs shall conform to the requirements of Section 9103.11 (Signs).
 - 4. **Lighting.** All outside lighting shall be arranged and shielded to prevent any glare or reflection, nuisance, inconvenience, or hazardous interference of any kind onto adjoining streets or property.
 - 5. **Deliveries.** For any facility located adjacent to a residential zone, all deliveries shall occur only between the hours of 7:00 AM and 8:00 PM.
 - 6. **Refuse Collection Areas.** All outside refuse and recyclable materials collection areas shall be enclosed as required by Subsection 9103.01.130 (Trash Enclosures).

- D. State Approval.** Where a facility is required to be licensed by the State, written proof shall be submitted to the City of Arcadia that the appropriate State licensing agency will be able to issue all required licenses and specifying the maximum number of beds for which a license will be issued by such agency.

9104.02.270 Seasonal Sales

- A. Purpose and Applicability.** This Subsection provides standards for seasonal sales, as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards) and Section 9107.23 (Temporary Use Permits).
- B. Temporary Use Permit Required.** Uses that are subject to this Subsection shall require and approval of a Temporary Use Permit pursuant to Section 9107.23 (Temporary Use Permits).
- C. Standards.** Seasonal sales uses shall comply with all of the following standards for development and operations.

 - 1. **Lighting**
 - a. A power pole shall be installed on each vacant parcel where seasonal sales occur.

- b. For Christmas tree sales, all lighting equipment and power poles shall be removed on or before December 31 of the year in which it was installed.
- c. For pumpkin sales, all lighting equipment and power poles shall be removed on or before November 6 of the year in which it was installed. In the event a permit is issued for both pumpkin and Christmas tree sales, then the power pole shall be removed on or before December 31.
- d. All overhead lighting shall be placed on poles installed at least 30 inches into the ground. Prior to installation, an electrical permit shall be obtained from the City for all power poles and lighting equipment, and the type and installation of all lighting equipment shall be approved by the Building Official. The power source for all lighting on property already served by electricity shall be approved by the Building Official.

2. Operational Standards

- a. Unless permanent toilet facilities are available for public use on the parcel, two chemical toilets shall be maintained on the subject site for public use at all times during which the seasonal sales take place.
- b. No open fires shall be allowed on any parcel, and compliance with all local fire regulations shall be required.
- c. The Fire Chief or designee shall approve the size, location, and placement of all tents and canopies used for storage and sales.
- d. All installations for the spraying of Christmas trees and the method of spraying shall be approved by the Fire Department.
- e. All debris, rubbish, trash, etc. from Christmas tree sales locations that constitute a fire hazard or nuisance shall be removed by December 31 of the year in which the license was issued.
- f. All debris, rubbish, trash, etc. from pumpkin sales locations that constitute a fire hazard or nuisance shall be removed by November 6 of the year in which the license was issued.
- g. A cash bond of \$100.00 shall be filed with Building Division at the time of issuance of the certificate of occupancy to ensure compliance with the foregoing conditions. Refund of the cash bond shall be made only if all requirements have been met to the satisfaction of the Building Official. The cash bond specified may be waived by the Building Official if in his/her opinion such bond will not be necessary to insure compliance with the provisions of this Subsection because of special circumstances applicable to the applicant and its proposed location of sales.
- h. A separate Temporary Use Permit shall be required for each location, if the activity will occur at more than one location.

3. Outdoor Storage

- a. **Outdoor Storage for Christmas Trees.** Pre-existing retail businesses engaging in Christmas tree sales on their property may store such trees outside of their structure between December 1 and December 25 of each year. Such trees may only be stored on:
 - (1) Private pedestrian walkways adjacent to such business in such a manner as to provide reasonable pedestrian passageway along the length of such walkway; or
 - (2) The parking lot area of such business, provided that not more than 10 percent of the total required parking spaces shall be used and that there shall be no interference with the normal flow of traffic in the parking lot.
- b. **Outdoor Storage for Pumpkin Sales.** Pre-existing retail businesses engaged in pumpkin sales on their property may store such pumpkins outside of their structure between October 5 and October 31 of each year. Such pumpkins may only be stored on:

- (1) Private pedestrian walkways adjacent to such business in such a manner as to provide reasonable pedestrian passageway along the length of such walkway; or
- (2) The parking lot area of such business, provided that not more than 10 percent of the total required parking spaces shall be used and that there shall be no interference with the normal flow of traffic in the parking lot.

c. **Outdoor Storage for Other Seasonal Sales.** Pre-existing retail businesses engaged in other seasonal sales on their property may store merchandise associated with that seasonal sale outside of their structure on dates determined by the Director through the Temporary Use Permit review and approval process pursuant to Section 9107.23 (Temporary Use Permits).

9104.02.280 Service/Fueling Stations

A. Purpose and Applicability. The provisions of this Subsection shall apply to all vehicle repair and service business as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards).

B. Standards. All service/fueling stations shall be subject to all the regulations of the zone in which such business is located. Whenever the provisions of this Subsection are more restrictive (or impose higher standards or requirements), the requirements of this Subsection shall control.

1. **Required Findings.** In granting a permit for a service/fueling station, the Review Authority shall be required to make all of the following findings:
 - a. The proposed use complies with all requirements set forth for the issuance of a Conditional Use Permit;
 - b. The proposed use will not substantially increase vehicular traffic on any street in a residential zone;
 - c. The proposed use will not lessen the suitability of any nearby commercially zoned property for commercial use by interfering with pedestrian traffic; and
 - d. The proposed use will not create increased traffic hazards to pedestrians when located near a school, place of religious assembly, auditorium, theater, or other place of assembly.
2. **Lot Area.** A minimum lot size of 15,000 square feet and a lot frontage of 100 linear feet adjoining a public street shall be required for the establishment of any new service/fueling station.
3. **Parking Requirements.** Parking shall comply with the design, parking ratio, and size requirements specified in Section 9103.07 (Off-Street Parking Regulations and Design), but accessory uses associated with the service/fueling station shall be parked as follows:
 - a. Accessory uses (e.g., car-wash and/or mini-market) may be allowed subject to meeting off-street parking standards for each accessory use.
 - b. Notwithstanding subparagraph (a) above, a retail space of no greater than 750 square feet of floor area shall be considered a part of the service/fueling station business and shall not require any additional off-street parking.
 - c. The total number of off-street parking spaces shall be the sum total required for the various uses computed separately.
 - d. No parking shall be provided on the premises other than for the vehicles of employees and those persons attending to business on the site.
4. **Driveways.** The minimum distance between curb cuts shall be 25 feet. Each developed site shall not have more than two driveways to any one street, except that the Review Authority shall have the right to prescribe additional requirements if it is deemed that a change in the location and number of driveways will reduce the possibilities of traffic hazards so

that, at maximum expected operation, neither streets nor sidewalks will be blocked or the safety of pedestrians or motorists be endangered by vehicular movement into or from a proposed use.

- C. **Fire Resistant Wall.** Where a service/fueling station business adjoins property in a residential zone, a minimum six-foot-high solid masonry wall shall be constructed on interior property lines. The wall shall be a maximum of 30 inches high within 25 feet of the street side property line.
- D. **Lighting.** All outside lighting shall be arranged and shielded to prevent any glare or reflection and any nuisance, inconvenience, and hazardous interference of any kind on adjoining streets or property.
- E. **Utilities.** All utilities on the site for direct service to the subject business shall be installed underground, except as otherwise approved by the Review Authority. The owner or developer is responsible for complying with the requirements of this Subsection and shall make the necessary arrangements as required by the serving utility companies for the installation of such facilities.
- F. **Restrooms Location.** All restrooms with access from the outside of a structure shall be located to the rear of the structure. Entrance shall be screened from view of adjacent properties or street rights-of-way by solid decorative screening.
- G. **Trash Areas.** All outside trash, garbage, and refuse areas shall be enclosed in conformance with Subsection 9103.01.130 (Trash Enclosures).
- H. **Abatement of Abandoned Vehicle Repair and Service use.** The provisions of Section 4930 et seq. of the Municipal Code shall apply to the abatement of abandoned vehicle repair and service business.
- I. **Standards for Self-Service or Accessory Automobile Washing/Detailing.** The following supplementary development standards apply to all service/fueling stations with accessory automobile washing/detailing, as defined in Division 9 (Definitions).
 - 1. **Lot Area.** A minimum lot size of 25,000 square feet and lot frontage of 150 linear feet adjoining a public street shall be required for the establishment of any new service/fueling station with accessory automobile washing/detailing.
 - 2. **Enclosed.** The wash rack and any other enclosed work space shall be constructed and arranged so that entrances, exits, and openings shall not face any residentially zoned property.
 - 3. **Reclaimed Water.** Wash and rinse water shall be at least 80 percent reclaimed and re-circulated.
 - 4. **Ancillary Services.** Ancillary services such as vacuum, air, and water shall be located in an area that does not impede vehicular traffic and is properly screened from residentially zoned properties. The vacuum(s) shall be enclosed by a sound absorption enclosure with noise absorption material around the equipment.
 - 5. **Grease-Free.** All paved areas shall be maintained grease-free.

9104.02.290 Shopping Cart Containment and Retrieval

Amended by Ord. No. 2375

- A. **Purpose.** This Subsection provides standards for the location, development, and operations of businesses that use 10 or more shopping carts in the City. Shopping carts as defined in Division 9 (Definitions), when removed from the premises of such businesses and left abandoned on public or private property throughout the city constitute a public nuisance and a potential hazard to the health and safety of the public.
- C. **Unauthorized Removal of Shopping Carts from the Premises.** Unauthorized removal of a shopping cart from the premises or parking area of a retail establishment is prohibited. Procedures related to removal and possession of any shopping carts shall be pursuant to Business and Professions Code, Sections 22435 et seq. In addition, all provisions of this Subsection shall apply. In the case of conflict between this Subsection and the above referenced sections of the Business and Professions Code, the Business and Professions Code shall apply.

1. **Signs Affixed to Carts.** Every shopping cart made available for use by customers shall be an identified cart as defined in this article, with permanently affixed sign(s) meeting the requirements of Business and Professions Code Section 22435.1.
2. **Business Premise.** Conspicuous signs shall be placed and maintained on the premises near all customer entrances and exits and throughout the premises, including the parking area, warning customers that removal of shopping carts from the premises is prohibited by State law.

D. Containment and Retrieval Plan Required. Approval of a Containment and Retrieval Plan is required for any business with 10 or more shopping carts available for use by customers on their property, except as otherwise specifically exempted by this Subsection. The plan shall be intended to discourage removal of carts from the owner's premises and to facilitate recovery of the carts. Upon request, shopping cart owners shall provide to the director information, including but not limited to, information concerning shopping cart use, loss and recovery specific to that business location, and such other information deemed reasonable by the director to determine the adequacy of the shopping cart containment system or control method.

E. Physical Containment Measures Required. Specific physical measures shall be implemented and maintained by the owner to prevent and deter the removal of shopping carts from the premises. The physical measures the owner will make shall be specifically identified in the cart containment plan and may include, but are not limited to, the following:

1. Disabling devices installed and maintained on carts;
2. Maintaining one or more designated employees assigned the responsibility to deter or stop customers from removing shopping carts from the premises;
3. Preventing any shopping carts from being taken outside the confines of building exits unless accompanied by an employee of the business;
4. Physical barriers, including devices placed on the carts themselves, which effectively prevent transporting shopping carts into the parking area or off the premises while maintaining accessible paths of travel compliant with state Title 24, Part 2, California Building Code and federal Americans with Disabilities Act;
5. Requiring security deposits by customers for cart use or rental or sale of carts to customers.

Written approval of the property owner shall be provided to the City for any physical measures required by the plan to be installed on the property of the retail shopping center or multi-store complex in which the retail establishment is located.

F. Cart Confinement. An owner shall install and/or implement each method of containment described in the city approved cart containment and retrieval plan. All shopping carts located on the premises of any business (other than an establishment open for business twenty-four hours per day) shall be collected at the end of each business day by employees of the retail establishment and shall be collectively confined in a secure manner in the cart confinement area, as designated in the approved cart containment plan, until the commencement of the next business day. The provisions of this subsection shall not apply to any shopping carts located within an enclosed building. Methods of containment may include, but are not limited to, the following:

1. Electronic or other disabling devices installed on the shopping carts that prevent their removal from the business premises;
2. Bollards or other structures installed or erected on the perimeter of the business premises that restrict shopping carts to these premises, while maintaining accessible paths of travel compliant with California Title 24, Part 2, California Building Code and federal Americans with Disabilities Act;
3. Use of courtesy clerks to accompany customers to their vehicles and return shopping carts to the store;
4. Security deposit for patron's use of a shopping cart; and/or

5. Other demonstrably effective method, approved by the director, which is likely to prevent cart removal from the business premises.

G. Screening. When the shopping cart corral is located along the entry or adjacent to the building, a four foot block wall shall be installed to screen the shopping carts from public view. The block wall shall be incorporated to the design of the building and shall match the colors and material of the building.

H. Employee Training. The owner of the business establishment shall implement and maintain a periodic training program for its new and existing employees, designed to educate such employees concerning the requirements of this article and the provisions of state law prohibiting the unauthorized removal of shopping carts from the premises of the retail establishment.

I. Cart Retrieval. The shopping cart owner shall secure and continuously maintain a service to retrieve shopping carts which have been removed from their store premises within 24 hours of the removal, or notice of removal. Service shall only be established with a person or business entity engaged in the business of shopping cart retrieval who possesses a valid City of Arcadia business license (pursuant to Municipal Code Article VI, Businesses, Professions, Trades, and Occupations) and any other requisite approval, license, or permit.

J. Abandoned Shopping Carts - Abatement, Removal, and Storage

1. **Impounding.** The City may impound a shopping cart that has a permanently affixed sign, in conformity with this Subsection, provided both of the following conditions have been met:
 - a. The shopping cart is located outside the business premises.
 - b. The shopping cart is not retrieved within three (3) business days from the date the shopping cart owner receives actual notice from the City of such cart's discovery and location.
2. **Immediate Retrieval.** Notwithstanding other provisions of this Subsection, the City may immediately retrieve a shopping cart from public or private property when the location of such cart will impede emergency services, as determined by the Director or his or her designee.
3. **Location of Impoundment.** Any shopping cart that has been impounded by the City pursuant to Subparagraph a. or b. (Impounding) of this Subsection shall be held at a location that is reasonably convenient to the shopping cart owner and is open for business at least six hours of each business day.
4. **Cost Recovery.** When the City has impounded a shopping cart pursuant to Subparagraph a. or b. (Impounding) of this Subsection, the City may recover its actual costs for providing such service.
5. **Fines for Impoundment.** The City may fine a shopping cart owner fifty dollars for each occurrence in excess of three during a six-month period for failure to retrieve shopping carts in accordance with this Subsection. For purposes of this paragraph, an occurrence shall include all shopping carts impounded in accordance with this Subsection during a calendar day.
6. **Unclaimed Carts.** The City or its authorized agent may sell or dispose of any shopping cart not reclaimed by the owner within 30 calendar days of receipt of actual notice from the City.
7. **No Required Signage.** Notwithstanding other provisions of this Subsection, the City may immediately impound, sell and/or dispose of any shopping cart that does not contain a permanently affixed sign required pursuant to this Subsection and whose ownership cannot otherwise be ascertained.

K. Revocation. An approved plan may be revoked by the Director upon his/her determination that any of the following grounds for revocation exist, and shall be subject to revocation procedures of Section 9108.09 (Permit Modifications and Revocations):

1. The owner of any retail establishment has received notice that the establishment is operating, or is permitting operation of, the retail establishment in violation of one or more of the provisions of said approved plan(s) and has failed to correct

said violation(s) for a period of at least 60 calendar days following the date of receipt of written notice of such violation(s) from the City.

2. The mandatory Cart Containment and Retrieval Plan is inadequate to reasonably prevent the removal of shopping carts from the premises of the retail establishment or to reasonably provide for the prompt retrieval of lost, stolen, or abandoned shopping carts which have been removed from the premises of the retail establishment.

L. Use of Shopping Carts Following Revocation Is Prohibited. No retail establishment owner shall provide or make available shopping carts for the use of customers following the effective date of any decision revoking a required Cart Containment and Retrieval Plan pursuant to this Subsection unless and until a new proposed Cart Containment and Retrieval Plan is approved by the City for such retail establishment.

M. Existing Businesses. All existing businesses that use 10 or more shopping carts shall comply with all applicable standards of this Section 9104.02.290 (Shopping Cart Containment and Retrieval) by January 1, 2020.

9104.02.300 Advertisement of Short Term Rentals and Home Sharing

Added by Ord. No. 2348

A. Legislative Findings

1. Short term rentals of dwelling units and home sharing are not permitted in the city, but nonetheless, the city has seen increased complaints related to short term rentals and home sharing due to nuisance conditions such as noise, excessive trash, increased parking and traffic, and commercial uses of residential property. Properties available for short term rental or home sharing are often advertised using online hosting platforms, as well as traditional methods, and such platforms have resulted in the increase of illegal short term rentals and home sharing in the city.
2. The City Council takes notice of the United States Supreme Court's opinion in the case of *Central Hudson Gas & Electric Corp. v. Public Service Commission* (1980) 447 U.S. 557, which held that public agencies may ban commercial speech related to illegal activity or forms of communication that are more likely to deceive the public than inform it.
3. The City has a substantial interest in banning the advertisement of uses and activities that are unlawful in the city. Without regulating advertisements, nuisance conditions resulting from short term rentals and home sharing are likely to persist, and visitors and guests may be deceived into believing that short term rentals are unlawful. This chapter is no more extensive than necessary because it only regulates those persons who have an interest in the property from placing advertisements for uses that are unlawful. The restriction on advertisements only applies to the particular unlawful uses that are regularly advertised to members of the public, including guests and visitors to the city, who may be unaware that the use is unlawful. This chapter does not infringe on any speech related to lawful commercial activities.

B. Prohibition on Advertising

It shall be unlawful for an owner, tenant, property manager, agent or any other person with possession or control of residential property to cause to be posted, published, circulated, or broadcasted any advertisement for a short-term rental or home sharing of the residential property if short-term rental or home sharing is not a lawful use of the residence. "Short-term rental" and "home sharing" shall have the definitions contained in sections 9109.01.200 and 9109.01.090, respectively, of the Arcadia Development Code.

C. Enforcement.

A violation of this Subsection shall be deemed an infraction and shall also be subject to an administrative citation pursuant to chapter 4A of the Arcadia Municipal Code. The record owner of any property that is advertised as a short-term rental or home sharing in violation of this Subsection shall be strictly liable for the offense, regardless of intent. Any other person who owns, rents, manages, or otherwise has possession or control residential property and who advertises a short-term rental or home sharing in violation of Subsection 9104.02.300 shall be liable for the offense.

9104.02.310 Smoking Lounges

- A. Purpose and Applicability.** The Subsection establishes standards for the location, development, and operations of smoking lounges, as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards).
- B. Locations Prohibited**
 - 1. No smoking lounge shall be located within 200 feet of any residential zone boundary or any property containing a residential use.
 - 2. A smoking lounge shall not be located within 1,000 feet of any sensitive use, as defined in Division 9 (Definitions).
- C. Exhaust Fan.** All smoking lounges shall comply with all applicable ventilation standards established by the State, local codes, and any other regulatory agencies. Air from the smoking area shall be exhausted directly to the outside by an exhaust fan. The ductwork for the proposed exhaust fan shall not be shared with other tenants in the structure. The applicant shall submit plans to be reviewed and approved from Planning Division and Building Division of the Development Services Department.
- D. Conditions for Approval.** In addition to the standards for issuance of any entitlements under this Chapter 1, the Review Authority may impose any conditions reasonably related to mitigate any possible adverse effect upon the public health, safety, or welfare created by the establishment and/or operation of the smoking lounge.
- E. State Regulation.** In addition to the standards for issuance of any entitlements under this Chapter 1, smoking lounges and any approval issued shall comply with applicable State codes regulating smoking on private commercial properties.

9104.02.320 Storage Containers - Temporary Portable

- A. Purpose and Applicability.** This Subsection provides standards for the location, development, and operations of temporary storage containers located outdoors, as defined in Division 9 (Definitions). The following standards apply to any storage container that is used for securing structure equipment during the construction phase of a project.
- B. Standards.** Storage containers shall comply with all of the following standards.
 - 1. Storage containers shall not be located within five feet of a side property line nor within three feet of a rear property line. Locating a storage container within a front setback area shall not interfere with the vehicular visibility standards for driveways and intersections set forth in Subsection 9103.01.070 (Vehicular Visibility Standards).
 - 2. One storage container is permitted on residential properties. A storage container shall be permitted on residential property for a period not to exceed 14 consecutive days within a six month period. Such a use shall be considered an exempt temporary use, pursuant to Subsection 9107.23.040 (Exempt Temporary Uses).
 - 3. On nonresidential properties with less than 20,000 square feet of area, one container is permitted; on properties with 20,000 or more square feet of area, two containers are permitted. In no case shall there be more than two storage containers located on a single property or development site. Storage container(s) utilized for construction-related storage shall be permitted on nonresidential properties for the duration of construction activities and shall be considered a component of a construction yard, as permitted by Subsection 9107.23.040 (Exempt Temporary Uses). Storage container(s) utilized for non-construction related storage shall be permitted for a period not to exceed 30 consecutive days within a six month period.
 - 4. On residential properties, storage containers shall be limited to a maximum size of 12 feet in length, eight feet in width, and eight feet in height.
 - 5. On nonresidential properties, storage containers shall be limited to a maximum size of 20 feet in length, eight feet in width, and eight feet in height. Such containers shall not be stacked on top of another container.
 - 6. Storage containers must be constructed of fire-resistive materials and must provide adequate ventilation.
 - 7. Combustible items are prohibited from being located within any storage container.

8. A scaled site plan shall be provided to the Director for the purpose of ensuring that the proposed location for a storage container will be in accordance with all applicable requirements, which include without limitation compliance with the City's Tree Preservation Ordinance.
9. All storage containers shall be maintained in a clean and orderly manner, including free from graffiti.

9104.02.330 Sports Courts in Residential Zones

A. Purpose and Applicability. This Subsection provides standards for the location, development, and operations of sports courts, as defined in Division 9 (Definitions), in a residential zone and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards). The purpose is to ensure that such standards and regulations reasonably restrict and minimize any detrimental effect of the location and design and use of such courts on the occupants of adjoining properties and the neighborhood. Sports courts that do not require the installation, temporarily or permanently, of nets, stands, seats, poles, lighting, fencing, windscreens, and any structure, and do not propose grading to accommodate the sport court, are exempt from the provisions of this Subsection.

B. Site Plan and Design Review Required. No person or persons shall construct, erect, or maintain a sports court in a residential zone without filing for and receiving approval of Site Plan and Design Review. Site Plan and Design Review shall not be approved for a sports court in a residential zone unless its use is accessory to a primary residential use of a residentially zoned parcel and is to be located on the same parcel as the primary residential use and conform to the requirements of this Subsection.

C. Standards

1. **Setback from Property Lines for R-M, R-0, and R-1 Zones**
 - a. Sports courts, including slabs, fences, and light standards accessory thereto, shall be subject to the same side and front setbacks required for a one-story main structure in the zone in which they are located.
 - b. Sports courts, including slabs, fences, and light standards accessory thereto, shall be located not less than five feet from the rear property line.
2. **Setback from Property Lines for R-2 and R-3 Zones.** In the R-2 and R-3 zones, sports courts, including slabs and fences, shall be subject to the same front, side, and rear setbacks required for a two-story structure in the zone in which they are located.
3. **Grade.** The grade for a sports court proposed on sloping terrain shall be established at the surface level of the court at the lowest elevation of the natural terrain.
4. **Fencing**
 - a. **Height.** The height of any fence enclosing any sports court shall not exceed 12 feet above the finished surface of the sports court. All portions of such fence which exceed six feet above the finished surface of the court shall consist of open fencing.
 - b. **Windscreens.** Windscreens of plastic, canvas, or similar material may be attached to the fence enclosing a sports court, provided such windscreens do not extend to a height greater than six feet above the finished surface of the court. However, where the entire sport court is located 25 feet or more from all property lines, the windscreens may extend to the height of the court fence.
5. **Lighting**
 - a. **Height.** Light standards shall not exceed 20 feet in height, measured from the finished surface of the sport court.

b. **Type.** Lamps shall be horizontally mounted, rectilinear-type, sharp cutoff fixtures. Lamps shall not create an intensity of greater than one foot-candle above the ambient neighborhood lighting. All permitted lighting shall be so arranged as to be directed onto the property from which the light originates and not to directly reflect upon any other residentially zoned parcel.

c. **Number.** Sports courts lights shall be limited to no more than eight lamps.

d. **Hours of illumination.** No person or persons shall turn on, leave on, or allow to be left on or turned on, sports court lights between 11:00 PM Sunday through Thursday and 6:00 AM of the following day, and between 12:00 midnight Friday and Saturday and 6:00 AM of the following day.

e. **Agreement required.** Each property owner and contractor installing light fixtures shall execute an agreement available in the Community Development Department agreeing that the court lights shall be installed and shielded so that the light source shall not be visible beyond the property line and that the light intensity shall not exceed one foot-candle above ambient at the property line, and that if it does, the Minor Use Permit issued subject to this Subsection may be revoked by the Director, in addition to other remedies available subject to law.

6. **Landscape Plan.** A landscape plan shall be submitted and approved by the Director for the areas between any sports court and adjacent properties.

7. **Solid Wall.** A minimum six-foot-high solid masonry wall shall be installed on the property lines between the sports court and adjacent properties. In the R-M, R-0 and R-1 zones, where the entire side of a sports court is a minimum distance of 25 feet from a property line or the sport court is located at least 12 feet below grade of the property line, a minimum six-foot-high solid masonry wall shall not be required along the property line.

8. **Commercial Use Prohibited.** A residential accessory sports court shall be used only by the occupants of the main residential dwelling(s) on the same parcel. This shall not be construed to prohibit the use of the court by invited guests. However, no sports court shall be rented nor used as a private club, nor for commercial instruction of players other than occupants of main residential dwelling(s) on the same parcel, nor used in any way for purely commercial purposes.

9. **Multiple-Family Zone Space.** No more than 30 percent of the requirement for open space shall be devoted to sports court development.

9104.02.340 Vending Machines

A. **Purpose and Applicability.** This Subsection establishes standards for the location, development, and operations of vending machines and similar self-service walk-up facilities, exclusive of reverse vending machines used solely for recycling purposes (see Subsection 9104.02.250, Recycling Facilities). The provisions in this Section shall apply to vending machines as defined in Division 9 (Definitions).

B. **Permit Requirements.** A Minor Use Permit approved in compliance with Section 9107.09 (Conditional Use Permits and Minor Use Permits) shall be required before installing and maintaining outdoor vending equipment.

C. **Accessory Use.** Vending machines may **only** be permitted as an accessory use to a nonresidential principal use.

D. **C-R Prohibition.** This Subsection shall not apply to vending machines located in the C-R Zone. Vending machines are prohibited on the exterior of the enclosed and open air mall areas as well as the exterior of all other buildings on the site.

E. **Standards.** The following standards shall apply to vending machines and similar self-serve walk-up facilities (as applicable), and only as an accessory use and when located outdoors.

1. Vending equipment shall occupy no more than 50 square feet of space and shall not exceed eight feet in height.
2. Vending equipment shall be maintained in a clean and hazard-free condition. Failure to so maintain and failure to clean the vending location of all waste shall be cause for revocation of the Minor Use Permit.

3. Customer trash receptacles shall be provided in compliance with the Minor Use Permit. The receptacles shall be a decorative design to complement or enhance the intended use and shall be located immediately adjacent to the vending location for use by customers.
4. Vending equipment design shall be of a quality and appearance that is compatible with the surrounding area and streetscape. Vending equipment design approval shall be subject to submittal and review of detailed vending equipment design plan/specifications and/or photos.
5. Vending equipment shall be easily moved and self supporting. At no time shall vending equipment be attached, tied, or locked to trees, hydrants, or other permanent vertical structures or benches.
6. No vending equipment shall use, play, or employ any amplifier, loudspeaker, radio, sound, or any other instrument or device for the production of sound in connection with the promotion of a vending operation.
7. No vending equipment shall offer to sell alcoholic beverages.
8. Vending equipment which cooks or warms food shall have a fire extinguisher at the vending location at all times.
9. A valid Business License shall be obtained, issued in compliance with Municipal Code Section 6211 et seq. (Licensing Procedure), following approval of the Minor Use Permit.
10. No cardboard or other types of similar storage boxes shall be visible to the public.

F. Hours of Operation. Hours of operation for vending equipment shall be as determined by the Minor Use Permit.

G. Equipment Placement. Vending equipment shall not be allowed to operate:

1. At a location where space for pedestrian pathways will be reduced to less than five feet. All pathways shall have a vertical clearance of not less than eight feet above the surface of the path;
2. At a location which obstructs access to any entrance to any structure or facility used by the public, including but not limited to doors and emergency exits;
3. Within 10 feet of any handicap access ramp, pedestrian crosswalk, or fire hydrant;
4. In any parking lot, drive aisle, or marked parking space;
5. Within any landscaped area;
6. At any publicly owned property, including streets or sidewalks and the adjacent public right(s)-of-way;
7. Within 100 feet of a business selling food and/or beverages for on-site consumption, in the case of a vending equipment selling food and/or beverages; or within 100 feet of a business selling a similar commodity in the case of a vending equipment selling commodities other than food and/or beverages, unless approved through the Minor Use Permit process;
8. Within a public park or recreation area, except when licensed by the City as a concessionaire or when authorized by the City to vend at special events; or
9. Within 200 feet of another approved vending equipment location, unless approved through the Minor Use Permit process.

9104.02.350 Tobacco Sales

Within any establishment selling tobacco that does not have a City-issued permit to operate as a smoking lounge, the on-site use and/or consumption of tobacco products is prohibited, except for the brief sampling of a small amount of a product while standing adjacent to a sales counter for the purposes of possible purchase and sale of tobacco products.

9104.02.360 Yard Sales

- A. Purpose and Applicability.** The provisions in this Subsection shall apply to yard sales, as defined in Division 9 (Definitions) in residential zoning districts.
- B. Permit Requirements.** A Yard Sale Permit in compliance with Municipal Code Section 6437 (Patio, Garage and/or Backyard Sales – Permits and Conditions) is required before commencing a yard sale. Only the owner or the legally appointed estate manager for the owner of the residential property, or the tenant or occupant with permission from the owner, is allowed to be issued a Yard Sale Permit to operate a yard sale. "Owner" also include managers of condominiums, boards of homeowners association, and co-operatives. Approved and issue Yard Sale Permits shall be posted clearly on-site.
- C. Block Yard Sales.** Block yard sales require the approval of a Temporary Use Permit. A block yard sale is a yard sale for more than one residential property but no more than 10 residential properties with different property owners within a block or multiple adjacent blocks. Block yard sales are subject to all provisions of this Subsection and this Development Code. No property that has reached the maximum allowed yard sale permitted in subsection D (Permit Duration) can be allowed to participate in a block yard sale.
- D. Permit Duration**
 - 1. No yard sale shall operate for longer than nine hours in one day.
 - 2. No yard sale shall operate earlier than 8 A.M. or later than 6 P.M.
 - 3. No yard sale shall occur for more than two consecutive nine-hour days.
 - 4. No yard sale shall occur more than three times in one calendar year.
 - 5. No block yard sales shall occur more than once in one calendar year.
- E. Vendor On-Site.** All yard sales shall have a vendor to collect money and watch over merchandise during the permitted duration.
- F. Signs.** Yard sale signs are subject to the requirements of Municipal Code Article VI, Chapter 4, Section 6437 (Patio, Garage, and/or Backyard Sales).
- G. Goods Restrictions.** No goods, wares or merchandise shall be offered for sale or sold at such sale other than used property owned exclusively by the owner, tenant, or occupant of such residence. No new goods shall be sold. Upon request by any representative of the Police Department, any person conducting such sale shall establish his/her title to the goods, wares or merchandise offered for sale.
- H. Location**
 - 1. Yard sales shall take place entirely within the residential property.
 - 2. No goods, wares or merchandise shall be placed or displayed in the front yard of any residence or premises, nor in the side yard of any corner lot, unless such side yard is screened from the view of the adjacent public right-of-way to the maximum height permitted, for the purpose of offering for sale, selling, or advertising such sale.

I. Termination, Revocation, and Penalty. The City shall keep records of application for yard sales for each property that has applied or issued a permit to operate a yard sale. Violation of any provisions of this Subsection and the Municipal Code render the immediate termination of the yard sale permit and subject to the requirements of Sections 9.8.15 (Enforcement) of this Development Code. Attempts to establish the yard sale beyond what is permitted in this Subsection will be subject to immediate termination of the permit and the suspension of the right to apply and obtain a yard sale permit for a minimum of three years and a fine of no more or less than \$1,000.

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