

ORDINANCE NO. 2333

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA AMENDING PORTIONS OF ARTICLE IX, CHAPTER 2, PART 6 AND PART 7 OF THE ARCADIA MUNICIPAL CODE IN ORDER TO ALLOW DRIVE-THROUGH FAST FOOD RESTAURANTS AS A PERMISSABLE USE WITHIN THE MU – MIXED USE ZONE SUBJECT TO APPROVAL OF A CONDITIONAL USE PERMIT AND TO AMEND THE PARKING REGULATIONS FOR DRIVE-THROUGH BUSINESSES CITY-WIDE

THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

*[Deleted text is highlighted in ~~strikethrough~~ and added text is highlighted in **bold italics**]*

SECTION 1. Section 9268.10 of Division 8 of Part 6 of Chapter 2 of Article IX of the Arcadia Municipal Code and is hereby amended to read as follows:

“9268.10. - NON-RESIDENTIAL USES.

Downtown mixed use requires the inclusion of a ground-floor, street frontage commercial component for all projects. No building or land shall be used and no building shall be hereafter erected, constructed or established, except for the following uses and in compliance with the regulations of this Division:

P- Permitted

C - Conditional Use Permit

N - Not Allowed

Communication and Transportation	Permit Requirement
Alternative fuels and recharging facilities as an accessory use	P
Motor Vehicle parking lot/structure facilities	P
Major wireless communication facilities	C
Educational Uses	

Studios: art, dance, martial arts and music	C
Tutoring Centers and Educational Centers	C
Entertainment and Recreational Facilities	
Health/fitness Centers	C
Indoor movie and performing arts theatre and auditoriums	C
Retail	
Alcoholic beverage sales for off-premises consumption	C
Convenience Store	C
Department Stores	P
Garden centers/nursery (indoor and outdoor)	P
Grocery store	P
Grocery store (open for more than 16 hours and/or open between midnight and 6:00 a.m.)	C
Portable outdoor retail sales and activities (as a primary use) - carts or kiosks	C
Pet Stores	C
Retail Uses	P
Thrift Stores	C
Services and Other Uses	
Automated Teller Machines (ATMs)	P

Bail Bond Services	N
Banks and Credit Unions	P
Check Cashing Shops	N
Day Care - Large Family Day Care Homes	C
Day Care - Small Family	P
Dry cleaning service	P
Medical & Dental Offices and Clinics	P
Mixed Use	C
Offices - General	P
Pawn Shops	C
Personal Services Businesses that do not provide massage, tanning and/or tattooing.	P
Personal Service Businesses that provide massage, tanning and/or tattooing.	C
Restaurants, fast food, with or without outdoor seating. No drive thru facilities allowed.	P - if it complies with the minimum Off-Street parking requirement; C - if it does not comply with the minimum Off-Street parking requirement or includes a drive thru facility
Restaurants, sit-down	P - if it complies with minimum Off-Street parking; C - does not complies with the minimum Off-Street parking requirement
Restaurants with alcoholic beverage lounge service	C

Veterinarian clinic/services and small animal hospitals with overnight kenneling service	C
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SECTION 2. Section 9275.4.5 of Division 5 of Part 7 of Chapter 2 of Article IX of the Arcadia Municipal Code and is hereby amended to read as follows:

“Every drive-in business shall be subject to all parking requirements applicable to the zone in which such use is located in addition to complying with the following:

- ~~1. On site parking shall be provided for each employee on duty. The peak employment period shall be used to determine the number of employee parking spaces.~~
- ~~2.~~**1.** No permanent parking of vehicles shall be permitted except when such use is for commercial parking purposes.
- ~~3.~~**2.** No vehicles may temporarily park on sidewalks, parkways or alleys.
- ~~4.~~**3.** No vehicles may be parked on the premises and offered for sale, lease or rent.”

SECTION 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance or any part thereof is for any reason held to unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council of the City of Arcadia hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrases be declared unconstitutional.

SECTION 4. The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of same to be published in the official newspaper of the City of Arcadia within fifteen (15) days after its adoption. This Ordinance shall take effect on the thirty first (31st) day after its adoption.

Passed, approved and adopted this 1st day of March, 2016.

/s/ Gary A. Kovacic
Mayor of City of Arcadia

ATTEST:

/s/ Gene Glasco
City Clerk

APPROVED AS TO FORM:

/s/ Stephen P. Deitsch
Stephen P. Deitsch
City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF ARCADIA)

I, GENE GLASCO, City Clerk of the City of Arcadia, hereby certifies that the foregoing Ordinance No. 2333 was passed and adopted by the City Council of the City of Arcadia, signed by the Mayor and attested to by the City Clerk at a regular meeting of said Council held on the 1st day of March, 2016 and that said Ordinance was adopted by the following vote, to wit:

AYES: Council Member, Chandler, Segal, Tay, Kovacic

NOES: None

ABSENT: Council Member Beck

/s/ Gene Glasco
City Clerk of the City of Arcadia