

ORDINANCE NO. 1397

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING THE
ARCATA MUNICIPAL CODE, TITLE IX, THE LAND USE CODE BY AMENDING SECTIONS
9.12.020.A, 9.12.020.B.4 AND 9.72.030.C.2.c AND A ZONING MAP AMENDMENT
SURROUNDING U.S. HIGHWAYS 101 AND 255 CLOVERLEAF**

The City Council of the City of Arcata does hereby ordain as follows:

SECTION 1. Amendment of the City of Arcata Land Use Code

Title IX of the Arcata Municipal Code is hereby amended as follows:

1. Revise §9.12.020.A. and §9.12.020.B.4.—“Zoning districts established” and “Interpretation of zoning district boundaries” as specified in the attached Exhibit 1, incorporated herein;
2. Revise §9.72.030.C.2. “Categorical exclusions” as specified in the attached Exhibit 2, incorporated herein;
3. Remove the Public Facility (PF) zoning district from portions of the U.S Highways 101 and 255 cloverleaf (Exhibit 3, attached hereto and incorporated herein).

SECTION 2. Findings of Approval

Based upon information received in the public hearing, including the Arcata Planning Commission Staff Reports and Resolution PC-09-06, the following findings are hereby adopted.

1. The proposed amendment is consistent with the General Plan in accordance with the California Government Code, Section 65860.
2. The public health, safety, and general welfare require the adoption of the proposed amendment.

SECTION 3. Exemption from CEQA

The City Council hereby determines that the ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 4. Severability

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

SECTION 5. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

SECTION 6. Effective Date

This ordinance shall take effect thirty (30) days after its adoption by the City Council.

DATED: November 4, 2009

ATTEST:

/s/ Janet M. Luzzi
Acting City Clerk, City of Arcata

/s/ Mark E. Wheatley
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1397**, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 4th day of November, 2009, by the following vote:

AYES: **WHEETLEY, STILLMAN, BRINTON, WINKLER**

NOES: **NONE**

ABSENT: **ORNELAS**

ABSTENTIONS: **NONE**

/s/ Janet M. Luzzi
Acting City Clerk, City of Arcata

CHAPTER 9.12 - ZONING MAP

Sections:

- 9.12.010 - Purpose
- 9.12.020 - Zoning Map and Zoning Districts
- 9.12.030 - Land Use Plan Map

9.12.010 - Purpose

This Chapter establishes the zoning districts applied to property within the City and adopts the City's Zoning Map, Land Use Plan Map, and Coastal Zone Boundaries maps.

9.12.020 - Zoning Map and Zoning Districts

The Council hereby adopts the City of Arcata Zoning Map (hereafter referred to as the "Zoning Map"), which is on file with the Department. The Zoning Map is hereby incorporated into this Land Use Code by reference as though it were fully included here.

- A. Zoning districts established.** The City of Arcata shall be divided into zoning districts that implement the Arcata General Plan. The zoning districts shown in Table 1-1 are hereby established, and shall be shown on the Zoning Map. The purposes and requirements of each zoning district are in Article 2 (Zoning Districts and Allowable Land Uses).

Transportation rights of way such as streets, highways, bike lanes, trails or railroads without a specific zoning district shall have uses consistent with the Arcata General Plan: 2020 Transportation Element unless a Conditional Use Permit is obtained in conformance with Section 9.72.080 (Use Permit and Minor Use Permit).

- B. Interpretation of zoning district boundaries.** If there is uncertainty about the location of any zoning district boundary shown on the Zoning Map, the Zoning Administrator shall determine the location of the boundary, as follows.

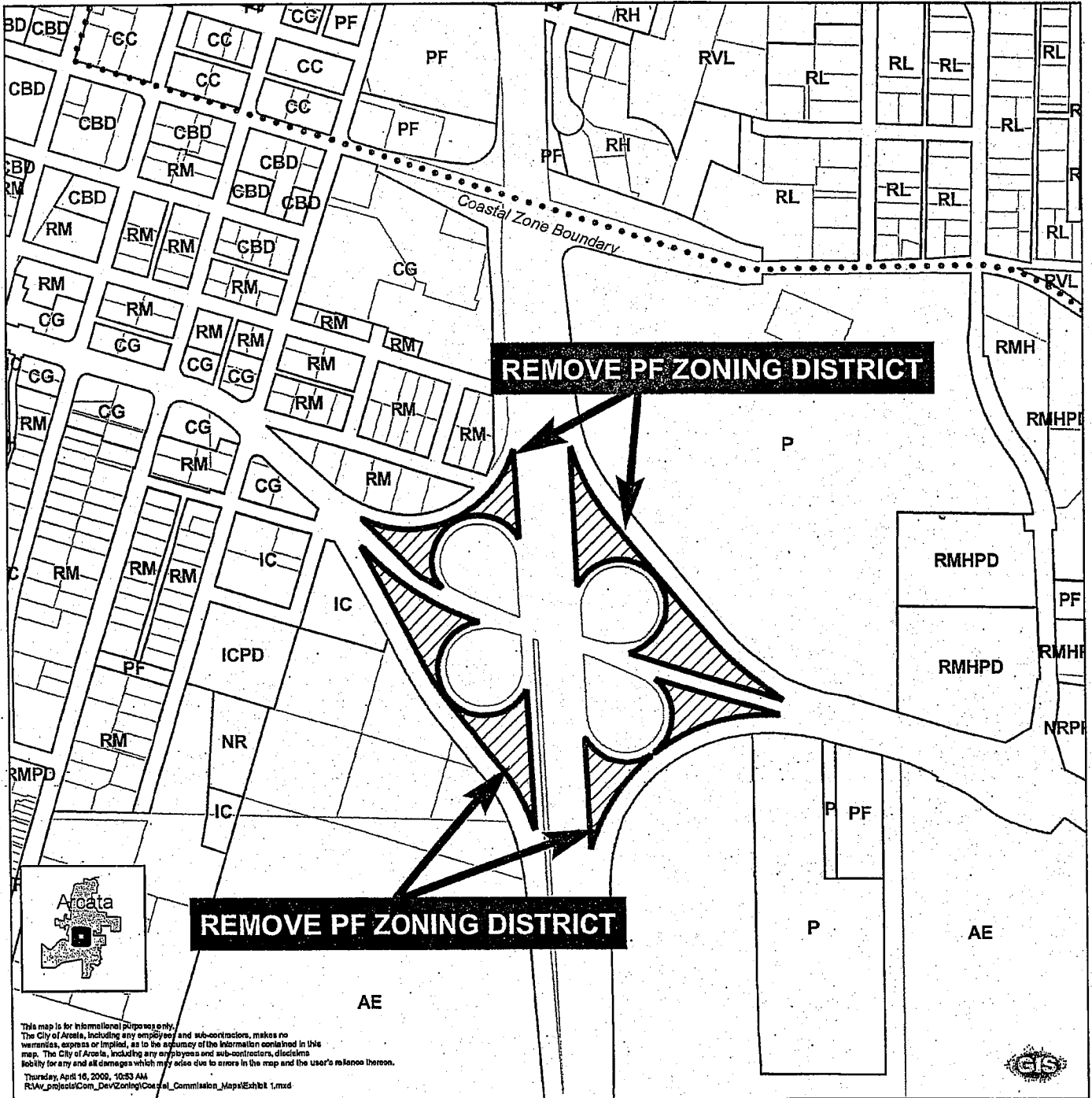
1. Where a boundary approximately follows alley or street lines, the street or alley center line shall be construed to be the boundary;
2. Where a boundary approximately follows lot lines, the lot lines shall be construed to be the boundary;
3. If a boundary divides a parcel and the boundary line location is not specified by distances printed on the Zoning Map, the location of the boundary will be determined by using the scale appearing on the Zoning Map; provided that when unsubdivided acreage is subdivided, the location of the zoning boundary that divided the acreage shall be construed to be a new lot line or street center line within 20 feet of the location of the boundary, according to the scale of the map; and
4. Where a public rights of way is officially vacated or abandoned, the property that was formerly in the right of way shall be included within the zoning district of the adjoining property on either side of the vacated or abandoned rights of way.

- C. Zoning Map amendments.** Any amendment to the Zoning Map shall comply with Chapter 9.92 (Amendments).








2. Categorical exclusions.

- a. Projects specifically designated as categorically excluded from the requirement for a Coastal Permit by Coastal Act Sections 30610(d) and (f) and implementing regulations are exempt from Coastal Permit requirements.
- b. The Zoning Administrator shall maintain a list of projects determined to be categorically excluded from the requirements of this Section for a Coastal Permit.
- c. The list shall be available for public inspection and shall include the applicant's name, project description and location, and the date of the Zoning Administrator's determination, and at a minimum, the list shall include the following:
 - (1) Permitted uses in all zones;
 - (2) Ministerial projects;
 - (3) Modifications up to 10% of their original requirement; one per five year period per site;
 - (4) Minor public works projects costing less than \$90,000 (2006 base) with allowances for inflation;
 - (5) Grading except in Environmentally Sensitive Habitat Areas;
 - (6) Lot line adjustments;
 - (7) Parcel mergers;
 - (8) Agricultural accessory structures;
 - (9) Temporary events;
 - (10) Medical marijuana cultivation and dispensing in conformance with Section 9.42.105; and
 - (11) Development within public rights of way that does not exceed the capacity or intensity by 10%; and does not impact coastal access or Environmentally Sensitive Habitat Areas.

Attachment A **Exhibit 3**
DRAFT LAND USE CODE MAP AMENDMENT



This map is for informational purposes only. The City of Arcata, including any employees and sub-contractors, makes no warranties, express or implied, as to the accuracy of the information contained in this map. The City of Arcata, including any employees and sub-contractors, disclaims liability for any and all damages which may arise due to errors in the map and the user's reliance thereon. Thursday, April 16, 2009, 10:53 AM R:\Arc_projects\Com_Development\Zoning\Coastal_Commission_Maps\Exhibit 1.mxd

 City of Arcata Community Development	Legend  Proposed Zoning District Change  Parcel	 Coastal Zone Boundary  Zoning Designations	 0 200 Feet 
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