

ORDINANCE NO. 1382

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING THE
ARCATA MUNICIPAL CODE, TITLE IX, THE LAND USE CODE BY ADDING
§9.42.105 – MEDICAL MARIJUANA: CULTIVATION AND DISPENSING
AS A NEW STANDARD FOR SPECIFIC LAND USE; AND ASSOCIATED REVISIONS TO:
ALLOWABLE LAND USES AND PERMIT REQUIREMENT TABLES 2-1, 2-4, and 2-10;
ADD ASSOCIATED DEFINITIONS TO ARTICLE 10 – GLOSSARY;
AND REVISE TEXT OF §9.42.040 – ACCESSORY USES,
AND §9.42.090 – HOME OCCUPATIONS**

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

SECTION 1. Amendment of the 2008 City of Arcata Land Use Code

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

1. Add §9.42.105 – Medical Marijuana: Cultivation and Dispensing as attached as Exhibit 1;
2. Revise Tables 2-1, 2-4, and 2-10: Allowable Land Uses and Permit Requirement as attached as Exhibits 2, 3, 4;
3. Add definitions to Article 10 – Glossary as attached as Exhibit 5;
4. Revise text of §9.42.040 – Accessory Uses as attached as Exhibit 6;
5. Revise text of §9.42.090 - Home Occupations as attached as Exhibit 7.

SECTION 2. Findings of Approval

Based upon information received in the public hearing, including the Arcata Planning Commission Staff Reports and Resolution PC-08-14 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. 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 4. 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 5. Effective Date

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

DATED: November 19, 2008

ATTEST:

/s/ Randal J. Mendosa
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. 1382**, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 19th day of November, 2008, by the following vote:

AYES: **WHEETLEY, STILLMAN, MACHI, GROVES, PITINO**

NOES: **NONE**

ABSENT: **NONE**

ABSTENTIONS: **NONE**

/s/ Randal J. Mendosa
City Clerk, City of Arcata