

ORDINANCE NO. 926 C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 2.03 ACRES OF PROPERTY LOCATED IN PROXIMITY TO THE INTERSECTION OF RIVERSIDE DRIVE AND MERCED STREET FROM THE PD-4500 (PLANNED DEVELOPMENT) ZONE DISTRICT TO THE PD-6000 (PLANNED DEVELOPMENT) ZONE DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADERA AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Madera and this Council have held public hearings upon the rezoning of this property and have determined that the proposed rezoning is consistent with the General Plan as amended and subsequent development will be in conformance with all standards and regulations of the Municipal Code.

SECTION 2. The City of Madera Zoning Map as provided for in Chapter 3 of Title 10 of the Madera Municipal Code is hereby amended as illustrated in the hereto attached Exhibit "A" which indicates the segment of the City of Madera Zoning Map to be amended. Unless the adoption of this amendment to the Zoning Map is lawfully stayed, thirty-one (31) days after adoption of this amendment, the Planning Director and City Clerk shall cause these revisions to be made to the City of Madera Zoning Map which shall also indicate the date of adoption of this revision and be signed by the Planning Director and City Clerk.

SECTION 3. Based upon the testimony and information presented at the hearing, the adoption of the proposed rezoning is in the best interest of the City of Madera, and the Council hereby approves the rezoning based on the following findings:

FINDINGS:

1. THE PROPOSED REZONE WILL PROVIDE THE REQUIRED CONSISTENCY BETWEEN THE GENERAL PLAN AMENDMENT AND ZONING.
2. THE REZONE IS NOT EXPECTED TO BE DETRIMENTAL TO THE HEALTH, SAFETY, PEACE, COMFORT OR GENERAL WELFARE OF THE NEIGHBORHOOD OR THE CITY.
3. CITY SERVICES AND UTILITIES ARE AVAILABLE OR CAN BE EXTENDED TO SERVE THE AREA.

SECTION 4. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

* * * * *

The foregoing Ordinance No. 926 C.S. was introduced and given its first reading at a regular meeting of the City Council of the City of Madera held on the 5th day of August, 2015 and adopted after a second reading at a regular meeting of the City Council held on the 19th day of August, 2015 by the following vote:

AYES: Council Members Poythress, Oliver, Rigby, Bomprezzi, Medellin, Holley, Robinson.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

APPROVED:


ROBERT L. POYTHRESS, Mayor

ATTEST:

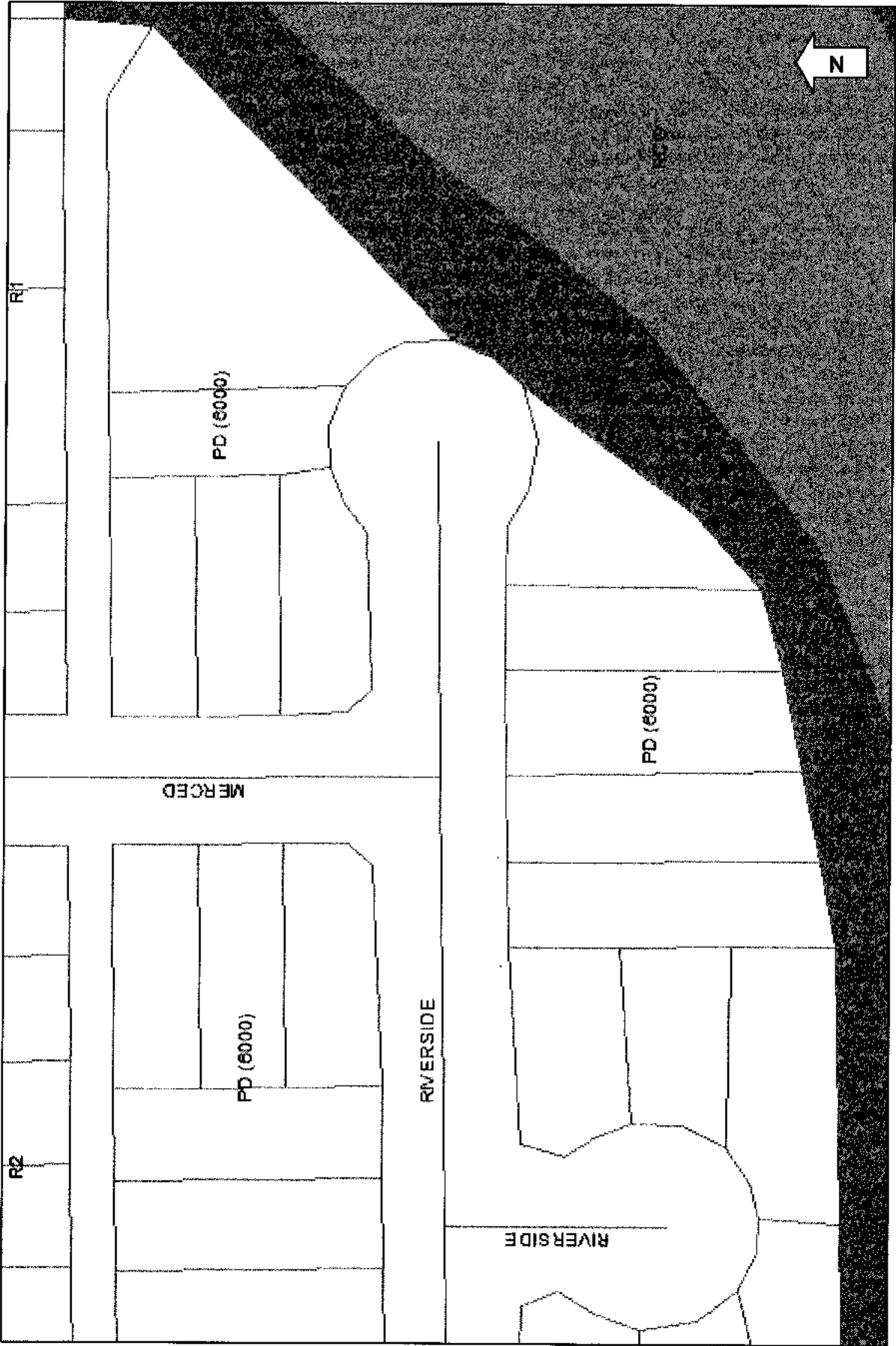

SONIA ALVAREZ, City Clerk

APPROVED AS TO LEGAL FORM:


BRENT RICHARDSON, City Attorney



EXHIBIT A



ORDINANCE NO. 927 C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA,
CALIFORNIA, AMENDING TITLE IX OF THE MADERA MUNICIPAL
CODE TO ADD CHAPTER 4 TO PROVIDE AN EXPEDITED,
STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL
ROOFTOP SOLAR SYSTEMS

WHEREAS, the City Council of the City of Madera recognizes the importance of “green technology” and by this Ordinance, seeks to implement Assembly Bill 2188 by creating an expedited, streamlined permitting process for small residential rooftop solar energy systems.

THE CITY COUNCIL OF THE CITY OF MADERA DOES ORDAIN AS FOLLOWS:

SECTION 1. Environmental Determination. The project is exempt from environmental review per CEQA Guidelines under the General Rule (Section 15061(b)(3)). The project involves updates and revisions to existing regulations. The proposed code amendments are consistent with California Law, specifically Government Code section 65850.5 and Civil Code section 714. It can be seen with certainty that the proposed Municipal Code text amendments will have no significant negative effect on the environment.

SECTION 2. Chapter 4 of Title IX, of the City of Madera’s Municipal Code, establishing an expedited, streamlined permitting process for Small Residential Rooftop Solar Systems, is hereby added to read as follows:

Chapter 9
EXPEDITED PERMIT PROCESS FOR
SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

9-4.01 Purpose and Intent.

The purpose of the chapter is to provide an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014, CA Government Code Section 65850.5) in order to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This chapter encourages the use of solar systems by removing unreasonable barriers, minimizing costs to property owners and the city and expanding the ability of property owners to install solar energy systems. This chapter allows the city to achieve these goals while protecting the public health and safety.

9-4.02 Definitions .

As used in this chapter:

(A) “*Solar Energy System*” means either of the following:

(1) Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.

(2) Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

(B) “*Small residential rooftop solar energy system*” means all of the following:

(1) A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.

(2) A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City, and all state and City health and safety standards.

(3) A solar energy system that is installed on a single or two family dwelling.

(4) A solar panel or module array that does not exceed the maximum legal building height as defined by the City.

(C) “*Electronic submittal*” means the utilization of electronic e-mail or submittal via the internet.

(D) “*Specific, adverse impact*” means a significant, quantifiable, direct, unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(E) “*Reasonable restrictions*” on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

(F) “*Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance*” means:

(1) For Water Heater Systems or Solar Swimming Pool Heating Systems: an amount exceeding 10 percent of the cost of the system, but in no case more than one thousand dollars (\$1,000), or decreasing the efficiency of the solar energy system by an amount exceeding 10 percent, as originally specified and proposed.

(2) For Photovoltaic Systems: an amount not to exceed one thousand dollars (\$1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10 percent as originally specified and proposed.

9-4.03 Applicability.

(A) This chapter applies to the permitting of all small residential rooftop solar energy systems in the city.

(B) Small residential rooftop solar energy systems legally established or permitted prior to the effective date of the ordinance codified in this chapter are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

(C) A use permit and/or architectural review may be required for properties on the City’s list of historic resources as deemed necessary by the Community Development Director.

9-4.04 Solar Energy System Requirements.

(A) All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state and the City.

(B) Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.

(C) Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

9-4.05 Applications and Documents.

(A) All documents required for the submission of an expedited solar energy system application shall be made available on the City website.

(B) Electronic submittal of the required permit application and documents by email, or the Internet shall be made available to all small residential rooftop solar energy system permit applicants.

(C) The city's Building and Safety Division shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.

(D) The small residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the *California Solar Permitting Guidebook* adopted by the Governor's Office of Planning and Research.

9-4.06 Permit Review and Inspection Requirements.

(A) The Community Development Director shall implement an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems. The Building Division shall issue a building permit, the issuance of which is nondiscretionary, on the same day for over-the-counter applications or within 1-3 business days for electronic applications upon receipt of a complete application that meets the requirements of the approved checklist and standard plan. The Chief Building Official may require an applicant to apply for an Administrative Use Permit if the official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the city Planning Commission.

(B) Review of the application shall be limited to the Chief Building Official's review of whether the application meets local, State, and Federal health and safety requirements.

(C) If an Administrative Use Permit is required, the city may deny such application if it makes written findings based upon substantive evidence in the record that the proposed installation could have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the city Planning Commission.

(D) Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

(E) “*A feasible method to satisfactorily mitigate or avoid the specific, adverse impact*” includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the City on another similarly situated application in a prior successful application for a permit. The City shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.

(F) If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

(G) Only one inspection shall be required and performed by the Building and Safety Division for small residential rooftop solar energy systems eligible for expedited review.

(H) The inspection shall be done in a timely manner and should include consolidated inspections.

(I) If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or void for any other reason.

SECTION 4. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

* * * * *

The foregoing Ordinance No. 927 C.S. was introduced and given its first reading at a regular meeting of the City Council of the City of Madera held on the 5th day of August, 2015 and adopted after a second reading at a regular meeting of the City Council held on the 19th day of August, 2015 by the following vote:

AYES: Council Members Poythress, Oliver, Rigby, Bomprezzi, Medellin, Holley, Robinson.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

APPROVED:


ROBERT L. POYTHRESS, Mayor

ATTEST:


SONIA ALVAREZ, City Clerk

APPROVED AS TO LEGAL FORM:


BRENT RICHARDSON, City Attorney



ORDINANCE NO. 928 C.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MADERA, CALIFORNIA DELETING CHAPTER 15 OF TITLE IV
OF THE MADERA MUNICIPAL CODE IN ITS ENTIRETY AND
ADDING A NEW CHAPTER 15 TO TITLE IV PROHIBITING ALL
COMMERCIAL MEDICAL MARIJUANA USES IN THE CITY
AND PROHIBITING CULTIVATION FOR MEDICAL USE BY A
QUALIFIED PATIENT OR PRIMARY CAREGIVER.**

THE CITY COUNCIL OF THE CITY OF MADERA DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings and Purpose. The City Council finds and declares as follows:

A. In 1996, the voters of the State of California approved Proposition 215 (codified as California Health and Safety Code § 11362.5 and entitled "The Compassionate Use Act of 1996" or "CUA").

B. The intent of Proposition 215 was to enable persons who are in need of marijuana for medical purposes to use it without fear of criminal prosecution under limited, specified circumstances. The proposition further provides that "nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes." The ballot arguments supporting Proposition 215 expressly acknowledged that "Proposition 215 does not allow unlimited quantities of marijuana to be grown anywhere."

C. In 2004, the Legislature enacted Senate Bill 420 (codified as California Health & Safety Code § 11362.7 et seq. and referred to as the "Medical Marijuana Program" or "MMP") to clarify the scope of Proposition 215 and to provide qualifying patients and primary caregivers who collectively or cooperatively cultivate marijuana for medical purposes with a limited defense to certain specified State criminal statutes. Assembly Bill 2650 (2010) and Assembly Bill 1300 (2011) amended the Medical Marijuana Program to expressly recognize the authority of counties and cities to "[a]dopt local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective" and to civilly and criminally enforce such ordinances.

D. In City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc. (2013) 56 Cal.4th 729, the California Supreme Court held that "[n]othing in the CUA or the MMP expressly or impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land. . . ." Additionally, in Maral v. City of Live Oak (2013) 221 Cal.App.4th 975, the Court of Appeal held that "there is no right – and certainly no constitutional right – to cultivate medical marijuana. . . ." The Court in Maral affirmed the ability of a local governmental entity to prohibit the cultivation of marijuana under its land use authority.

E. The Federal Controlled Substances Act, 21 U.S.C. § 801 et seq., classifies marijuana as a Schedule 1 Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision. The Federal

Controlled Substances Act makes it unlawful under federal law for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, marijuana. The Federal Controlled Substances Act contains no exemption for medical purposes, although there is recent case law that raises a question as to whether the Federal Government may enforce the Act where medical marijuana is allowed.

F. On October 9, 2015 Governor Brown signed 3 bills into law (AB 266, AB 243, and SB 643) which collectively are known as the Medical Marijuana Regulation and Safety Act (hereafter "MMRSA"). The MMRSA set up a State licensing scheme for commercial medical marijuana uses while protecting local control by requiring that all such businesses must have a local license or permit to operate in addition to a State license. The MMRSA allows the City to completely prohibit commercial medical marijuana activities.

G. The City Council finds that commercial medical marijuana activities, as well as cultivation for personal medical use as allowed by the CUA and MMP can adversely affect the health, safety, and well-being of City residents. Citywide prohibition is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells and indoor electrical fire hazards that may result from such activities. Further, as recognized by the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, marijuana cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime.

H. The limited immunity from specified state marijuana laws provided by the Compassionate Use Act and Medical Marijuana Program does not confer a land use right or the right to create or maintain a public nuisance.

I. The MMRSA contains language that requires the city to prohibit cultivation uses by March 1, 2016 either expressly or otherwise under the principles of permissive zoning, or the State will become the sole licensing authority. The MMRSA also contains language that requires delivery services to be expressly prohibited by local ordinance, if the City wishes to do so. The MMRSA is silent as to how the City must prohibit other type of commercial medical marijuana activities.

J. While the City Council believes that cultivation and all commercial medical marijuana uses are prohibited under the City's permissive zoning regulations, it desires to enact this ordinance to expressly make clear that all such uses are prohibited in all zones throughout the City.

SECTION 2. Authority. This ordinance is adopted pursuant to the authority granted by the California Constitution and State law, including but not limited to Article XI, Section 7 of the California Constitution, the Compassionate Use Act, the Medical Marijuana Program, and The Medical Marijuana Regulation and Safety Act.

SECTION 3. Chapter 15 of Title IV of the Madera Municipal Code is hereby deleted in its entirety and replaced as follows:

Chapter 15

MEDICAL MARIJUANA AND CULTIVATION

§4-15.01 DEFINITIONS

“*Cannabis*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(f) as the same may be amended from time to time.

“*Caregiver*” or “*primary caregiver*” shall have the same meaning as set forth in Health & Safety Code § 11362.7 as the same may be amended from time to time.

“*Commercial cannabis activity*” shall have the same meaning as that set forth in Business & Professions Code § 19300.5(k) as the same may be amended from time to time.

“*Cooperative*” shall mean two or more persons collectively or cooperatively cultivating, using, transporting, possessing, administering, delivering or making available medical marijuana, with or without compensation.

“*Cultivation*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(l) as the same may be amended from time to time.

“*Cultivation site*” shall have the same meaning as set forth in Business & Professions Code § 19300.5 (x) as the same may be amended from time to time.

“*Delivery*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(m) as the same may be amended from time to time.

“*Dispensary*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(n) as the same may be amended from time to time. For purposes of this Chapter, “*Dispensary*” shall also include a cooperative. “*Dispensary*” shall not include the following uses: (1) a clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code, (2) a health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code, (3) a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code, (4) a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code, (5) a residential hospice or home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code.

“*Dispensing*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(o) as the same may be amended from time to time.

“*Distribution*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(p) as the same may be amended from time to time.

“*Distributor*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(q) as the same may be amended from time to time.

“*Manufacturer*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(y) as the same may be amended from time to time.

“*Manufacturing site*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(af) as the same may be amended from time to time.

“*Medical cannabis,*” “*medical cannabis product,*” or “*cannabis product*” shall have the same meanings as set forth in Business & Professions Code § 19300.5(ag) as the same may be amended from time to time.

“*Medical Marijuana Regulation and Safety Act*” or “*MMRSA*” shall mean the following bills signed into law on October 9, 2015 as the same may be amended from time to time: AB 243, AB 246, and SB 643.

“*Nursery*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(ah) as the same may be amended from time to time.

“*Qualifying patient*” or “*Qualified patient*” shall have the same meaning as set forth in Health & Safety Code § 11362.7 as the same may be amended from time to time.

“*Testing laboratory*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(z) as the same may be amended from time to time.

“*Transport*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(am) as the same may be amended from time to time.

“*Transporter*” shall have the same meaning as set forth in Business & Professions Code § 19300.5(aa) as the same may be amended from time to time.

§4-15.02 PROHIBITION.

- A. Commercial cannabis activities of all types are expressly prohibited in all zones and all specific plan areas in the City of Madera. No person shall establish, operate, conduct or allow a commercial cannabis activity anywhere within the City.
- B. To the extent not already covered by subsection A above, all deliveries of medical cannabis are expressly prohibited within the City of Madera. No person shall conduct any deliveries that either originate or terminate within the City.
- C. This section is meant to prohibit all activities for which a State license is required. Accordingly, the City shall not issue any permit, license or other entitlement for any activity for which a State license is required under the MMRSA.
- D. Cultivation of cannabis for non-commercial purposes, including cultivation by a qualified patient or a primary caregiver, is expressly prohibited in all zones and all specific plan areas in the City of Madera. No person, including a qualified patient or primary caregiver, shall cultivate any amount of cannabis in the City, even for medical purposes.

§4-15.03 PUBLIC NUISANCE.

Any use or condition caused, or permitted to exist, in violation of any provision of this Chapter 15 shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the City pursuant to Code of Civil Procedure Section 731 or any other remedy available to the City.

§4-15.04 CIVIL PENALTIES.

In addition to any other enforcement permitted by this Chapter 15, the City Attorney may bring a civil action for injunctive relief and civil penalties pursuant to this code against any person or entity that violates this Chapter. In any civil action brought pursuant to this Chapter, a court of competent jurisdiction may award reasonable attorneys fees and costs to the prevailing party.

SECTION 4. Nothing in this Ordinance shall be interpreted to mean that the City's permissive zoning scheme allows any other use not specifically listed therein.

SECTION 5. CEQA. This ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15305, minor alterations in land use limitations in areas that do not result in any changes in land use or density and section 15061(b)(3) which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. The City's permissive zoning provisions already prohibits all uses that are being expressly prohibited by this ordinance. Therefore, this ordinance has no impact on the physical environment as it will not result in any changes.

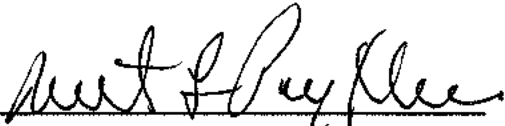
SECTION 6. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or void for any other reason.

SECTION 7. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

The foregoing Ordinance No. 928 C.S. was introduced and given its first reading at a regular meeting of the City Council of the City of Madera held on the 6th day of January, 2016 and adopted after a second reading at a regular meeting of the City Council held on the 20th day of January, 2016 by the following vote:

- AYES: Mayor Poythress, Council Members Rigby, Medellin, Holley, Robinson, Oliver.
- NOES: None.
- ABSTENTIONS: None.
- ABSENT: None.

APPROVED:



 ROBERT L. POYTHRESS, Mayor

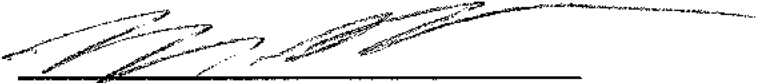
ATTEST:



 SONIA ALVAREZ, City Clerk



APPROVED AS TO LEGAL FORM:



 BRENT RICHARDSON, City Attorney

ORDINANCE NO. 929 C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 12,500 SQUARE FEET OF PROPERTY LOCATED AT 1006 AND 1010 WEST YOSEMITE AVENUE IN PROXIMITY TO THE INTERSECTION OF WEST YOSEMITE AVENUE AND O STREET FROM THE R1 (LOW DENSITY RESIDENTIAL) ZONE DISTRICT TO THE WY (WEST YOSEMITE PROFESSIONAL OFFICE) ZONE DISTRICT.

THE CITY COUNCIL OF THE CITY OF MADERA DOES ORDAIN AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Madera and this Council have held public hearings upon the rezoning of this property and have determined that the proposed rezoning is consistent with the General Plan as amended and subsequent development will be in conformance with all standards and regulations of the Municipal Code.

SECTION 2. The City of Madera Zoning Map as provided for in Chapter 3 of Title 10 of the Madera Municipal Code is hereby amended as illustrated in the hereto attached Exhibit "A" which indicates the segment of the City of Madera Zoning Map to be amended. Unless the adoption of this amendment to the Zoning Map is lawfully stayed, thirty-one (31) days after adoption of this amendment, the Planning Director and City Clerk shall cause these revisions to be made to the City of Madera Zoning Map which shall also indicate the date of adoption of this revision and be signed by the Planning Director and City Clerk.

SECTION 3. Based upon the testimony and information presented at the hearing, the adoption of the proposed rezoning is in the best interest of the City of Madera, and the Council hereby approves the rezoning based on the following findings:

FINDINGS:

1. THE PROPOSED REZONE WILL PROVIDE THE REQUIRED CONSISTENCY BETWEEN THE GENERAL PLAN AND ZONING.
2. THE REZONE IS NOT EXPECTED TO BE DETRIMENTAL TO THE HEALTH, SAFETY, PEACE, COMFORT OR GENERAL WELFARE OF THE NEIGHBORHOOD OR THE CITY.
3. CITY SERVICES AND UTILITIES ARE AVAILABLE OR CAN BE EXTENDED TO SERVE THE AREA.

SECTION 4. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

* * * * *

The foregoing Ordinance No. 929 C.S. was introduced and given its first reading at a regular meeting of the City Council of the City of Madera held on the 3rd day of February, 2016 and adopted after a second reading at a regular meeting of the City Council held on the 17th day of February, 2016 by the following vote:

AYES: Mayor Poythress, Council Members Rigby, Medellin, Holley, Robinson, Oliver.
NOES: None.
ABSTENTIONS: None.
ABSENT: None.

APPROVED:


ROBERT L. POYTHRESS, Mayor

ATTEST:

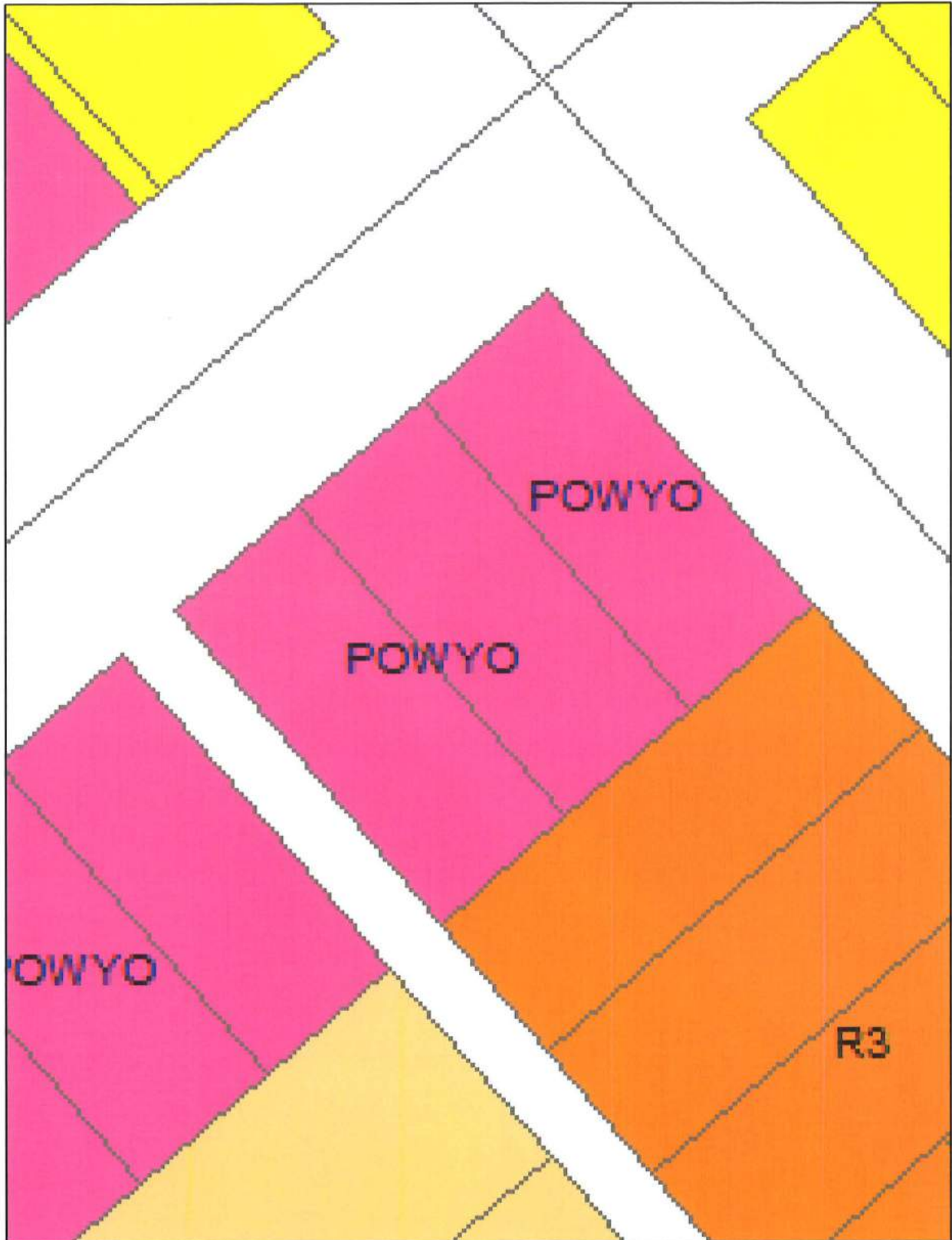

SONIA ALVAREZ, City Clerk



APPROVED AS TO LEGAL FORM:


BRENT RICHARDSON, City Attorney

EXHIBIT A



ORDINANCE NO. 930 C.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING
MAP PREZONING THE SPECIFIC PARCELS IDENTIFIED WITHIN
EXHIBIT "A"**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADERA AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Madera and this Council have held public hearings upon the prezoning of this property and have determined that the proposed prezoning is consistent with the General Plan as amended and subsequent development will be in conformance with all standards and regulations of the Municipal Code.

SECTION 2. The City of Madera Zoning Map as provided for in Chapter 3 of Title 10 of the Madera Municipal Code is hereby amended as illustrated in the hereto attached Exhibit "A" which indicates the segment of the City of Madera Zoning Map to be amended. Unless the adoption of this amendment to the Zoning Map is lawfully stayed, thirty-one (31) days after adoption of this amendment, the Planning Director and City Clerk shall cause these revisions to be made to the City of Madera Zoning Map which shall also indicate the date of adoption of this revision and be signed by the Planning Director and City Clerk.

SECTION 3. Based upon the testimony and information presented at the hearing, the adoption of the proposed prezoning is in the best interest of the City of Madera, and the Council hereby approves the prezoning based on the following findings:

FINDINGS:

1. THE PROPOSED PREZONE WILL PROVIDE THE REQUIRED CONSISTENCY BETWEEN THE GENERAL PLAN AND ZONING ORDINANCE.
2. THE PREZONE IS NOT EXPECTED TO BE DETRIMENTAL TO THE HEALTH, SAFETY, PEACE, COMFORT OR GENERAL WELFARE OF THE NEIGHBORHOOD OR THE CITY.
3. THE CITY AGREES THAT NO SUBSEQUENT CHANGE MAY BE MADE TO THE GENERAL PLAN FOR THE ANNEXED TERRITORY OR ZONING THAT IS NOT IN CONFORMANCE TO THE PREZONING DESIGNATIONS FOR A PERIOD OF TWO YEARS AFTER THE COMPLETION OF THE ANNEXATION, UNLESS THE LEGISLATIVE BODY FOR THE CITY FINDS AT A PUBLIC HEARING THAT A SUBSTANTIAL CHANGE HAS OCCURRED IN CIRCUMSTANCES THAT NECESSITATES A DEPARTURE FROM THE PREZONING IN THE APPLICATION TO THE COMMISSION.

SECTION 4. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

* * * * *

The foregoing Ordinance No. 930 C.S. was introduced and given its first reading at a regular meeting of the City Council of the City of Madera held on the 17th day of February, 2016 and adopted after a second reading at a regular meeting of the City Council held on the 2nd day of March, 2016 by the following vote:

AYES: Mayor Poythress, Council Members Rigby, Medellin, Holley, Robinson, Oliver.
NOES: None.
ABSTENTIONS: None.
ABSENT: None.

APPROVED:


ROBERT L. POYTHRESS, Mayor

ATTEST:


SONIA ALVAREZ, City Clerk



APPROVED AS TO LEGAL FORM:


BRENT RICHARDSON, City Attorney

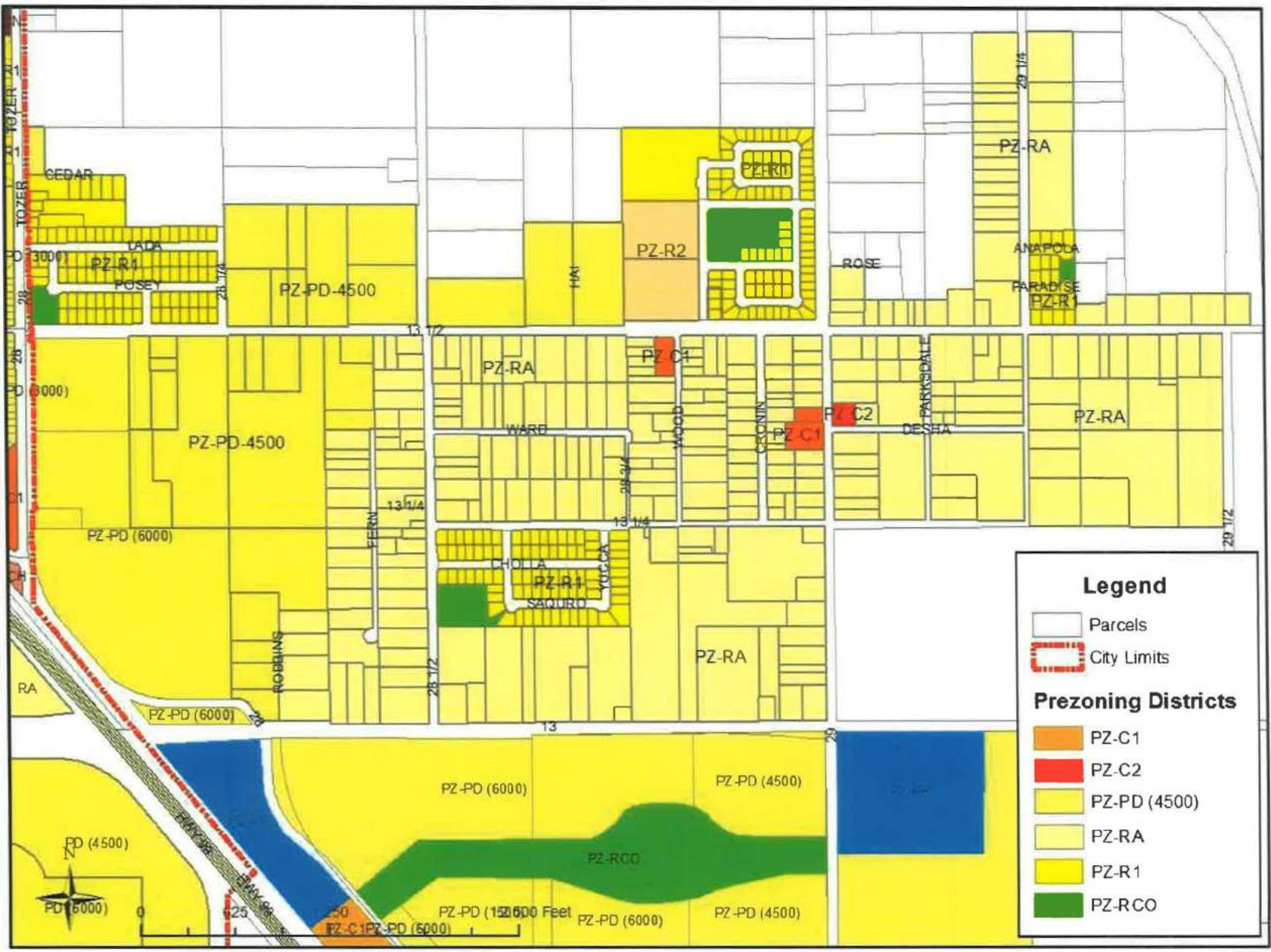


EXHIBIT 'A'

ORDINANCE NO. 931 C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, AMENDING SECTION 1310 OF CHAPTER 3 OF TITLE X OF THE MADERA MUNICIPAL CODE PERTAINING TO ACTION ON APPEAL OF PLANNING COMMISSION DECISIONS

THE CITY COUNCIL OF THE CITY OF MADERA DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 1310 of Chapter 3 of Title X, of the Madera Municipal Code is hereby amended as follows:

§ 10-3.1310 ACTION ON APPEALS BY COUNCIL.

(A) The Council, at its next duly held meeting, shall set a date and time for a public hearing on the appeal and shall cause notice of such hearing to be posted in the vicinity of the property described in the application.

(B) The Commission shall submit to the Council a report setting forth the reasons for the action taken by the Commission, or a member of the Commission shall be present at such public hearing to represent the Commission.

(C) The Council shall render its decision within 60 days after the filing of such appeal.

(D) The Council may, by resolution, affirm, reverse, or modify, in whole or in part, any decision, determination, or requirement of the Commission but before granting any appealed petition which was denied by the Commission, or before changing any of the conditions imposed by the Commission in a use permit granted by the Commission, the Council shall make a written finding of fact setting forth wherein the Commission's findings were in error.

(E) A ~~four-fifths~~ [five-sevenths] vote of the whole of the Council shall be required to grant, in whole or in part, any appealed application denied by the Commission.

SECTION 2. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or void for any other reason.

SECTION 3. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

The foregoing Ordinance No. 931 C.S. was introduced and given its first reading at a regular meeting of the City Council of the City of Madera held on the 17th day of February, 2016 and adopted after a second reading at a regular meeting of the City Council held on the 2nd day of March, 2016 by the following vote:

AYES: Mayor Poythress, Council Members Rigby, Medellin, Holley, Robinson, Oliver.
NOES: None.
ABSTENTIONS: None.
ABSENT: None.

APPROVED:


ROBERT L. POYTHRESS, Mayor

ATTEST:


SONIA ALVAREZ, City Clerk



APPROVED AS TO LEGAL FORM:


BRENT RICHARDSON, City Attorney

ORDINANCE NO. 932 C.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA
AMENDING SUBSECTION E OF §2-2.305 OF TITLE II OF THE MADERA MUNICIPAL CODE
RELATING TO CIVIL SERVICE AND EXCEPTIONS TO THE COMPETITIVE SERVICE**

THE COUNCIL OF THE CITY OF MADERA DOES ORDAIN AS FOLLOWS:

SECTION 1. Subsection E of §2-2.305 of Title II of the Madera Municipal Code is amended to read as follows:

(E) The City Administrator, Police Chief, Golf Course Superintendent, ~~Director of Finance/Treasurer~~[Director of Financial Services], City Attorney and attorney subordinates, if any, City Clerk, City Engineer, Director of Community Development, Public Works Operations Director, Director of Parks and Community Services, Planning Manager, Director of Human Resources, Executive Director [of the Successor Agency to the Former Madera] Redevelopment Agency, Director of Administrative Services, Chief Building Official, Grant Administrator, Information Services Manager, [Communications Manager] and Neighborhood Preservation Manager.

SECTION 2. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or void for any other reason.

SECTION 3. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

The foregoing Ordinance No. 932 C.S. was introduced and given its first reading at a regular meeting of the City Council of the City of Madera held on the 2nd day of March, 2016 and adopted after a second reading at a regular meeting of the City Council held on the 16th day of March, 2016 by the following vote:

AYES: Mayor Poythress, Council Members Medellin, Holley, Robinson, Oliver.

NOES: None.

ABSTENTIONS: None.

ABSENT: Council Member Rigby

APPROVED:


ROBERT L. POYTHRESS, Mayor

ATTEST:


SONIA ALVAREZ, City Clerk



APPROVED AS TO LEGAL FORM:


BRENT RICHARDSON, City Attorney