

ORDINANCE NO. 1021 C.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA
DETERMINING THE PROJECT IS EXEMPT PURSUANT TO SECTION 15061(B)(3)
OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES AND
AMENDING CHAPTER 3 OF TITLE X: PLANNING AND ZONING OF THE CITY
MUNICIPAL CODE (CMC) REGARDING EXTERIOR COLORS IN COMMERCIAL
ZONE DISTRICTS**

WHEREAS, pursuant to the authority granted to the City of Madera ("City") by Article XI, Section 7 of the California Constitution, the City has the police power to adopt regulations designed to promote public health, public morals, or public safety; and

WHEREAS, comprehensive zoning regulations and regulations upon the use of land and property within the City, including regulation of paint color, lie within the City's police power; and

WHEREAS, pursuant to the provisions of Section 10-3.1502 of the City Municipal Code (CMC) an amendment to the Zoning Regulations contained in Title X, Chapter 3 Planning and Zoning of the CMC may be initiated by the City Council (Council) whenever the public necessity, convenience, general welfare, or good zoning practices require; and

WHEREAS, at the regularly scheduled meeting of the Council held on March 18, 2026, the Council adopted Resolution No. 26-45 initiating the procedure for Ordinance Text Amendment (OTA) 2026-01 to amend the provisions of the Zoning Regulations to set standards for approval of exterior paint colors, which are applicable to new construction and repainting existing buildings in the Commercial zone districts; and

WHEREAS, a preliminary environmental assessment was performed, and the proposed project was found to be exempt pursuant to Section 15061(b)(3) (General Rule/Common Sense) of the California Environmental Quality Act (CEQA) Guidelines; and.

WHEREAS, pursuant to the provisions of Section 10-3.1500 et seq. of the CMC, the Planning Commission held a duly noticed public hearing for OTA 2026-01 on April 21, 2026, conducted a public hearing and after due consideration of all the items before it, adopted Resolution No. 2049 recommending that the Council approve OTA 2026-01; and

WHEREAS, in accordance with the provisions of CMC Section 10-3.1509, following receipt of the recommendation made by the Planning Commission, the Council shall set the matter for public hearing and may adopt the amendment, or any part thereof, set forth in the petition in such form as the Council may deem to be advisable; and

WHEREAS, the City provided notice of the Council hearing of May 6, 2026, on April 25, 2026, as required by law; and.

WHEREAS, the Council received and independently reviewed OTA 2026-01 at the regularly scheduled meeting of the Council held on May 6, 2026; and

WHEREAS, at the May 6, 2026, Council meeting, a public hearing was held, the public was provided the opportunity to comment, and evidence, both written and oral, was considered by the Council; and.

WHEREAS, after due consideration of the items before it, the Council now desires to approve OTA 2026-01 and adopt this Ordinance amending Chapter 3 of Title X: Planning and Zoning of the CMC by repealing Section 10-3.419 (RESERVED) and adding a new Section 10-3.419 EXTERIOR COLORS IN COMMERCIAL ZONE DISTRICTS .

NOW, THEREFORE, the City Council of the City of Madera ordains as follows:

1. Recitals: The City Council hereby finds that all of the facts set forth in the recitals are true and correct and are incorporated herein.

2. CEQA: A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The City Council has determined the project is exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines. The activity is covered by the "Common Sense" exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Here, OTA 2026-01 does not authorize any particular activity beyond what will already have been evaluated for purposes of CEQA and proposes amendments to local ordinance only for the purpose of implementing local policy. Any proposed future development or requests for discretionary action would be subject to CEQA analysis as mandated for project discretionary approvals. No further environmental analysis is required.

3. Approval of OTA 2026-01: The Council hereby approves OTA 2026-01, hereby amending Chapter 3 of Title X of the CMC by repealing Section 10-3.419 (RESERVED) in its entirety and adding a new Section 10-3.419 EXTERIOR COLORS IN COMMERCIAL ZONE DISTRICTS as follows:

§ 10-3.419 EXTERIOR COLORS IN COMMERCIAL ZONE DISTRICTS

This section sets standards for approval of exterior paint color for structures within Commercial Zones.

(A) *Applicability*. The standards of this section apply to:

- (1) New buildings;
- (2) Additions to existing buildings;
- (3) Reconstruction of existing buildings caused by a natural disaster or other catastrophic event;
- (4) Repainting of existing buildings.
- (5) Exception: This section shall not apply to remediation of vandalism, such as graffiti, provided the paint color substantially matches the existing building color.

(B) *Color selection*.

- (1) Exterior façade colors of structures within commercial zones shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity or fluorescent colors is prohibited. The City-approved color palette is as adopted by resolution of the City Council.
- (2) Trim and accent areas up to a maximum of 10 percent of the building façade may feature brighter, more intense colors, including primary colors.
- (3) The transition between base and accent colors shall relate to changes in building materials or the change of building surface planes. Colors shall not meet or change without some physical change or definition to the surface plane.

(C) *Approval required.* Except as specifically provided in this article, no person shall paint the exterior of any commercially zoned building, without having first obtained an approval from the City regarding the color selected.

(D) *Application.* An application for an exterior paint permit shall be made to the Planning Department.

(E) *Fee.* There shall be no fee required for the exterior paint permit.

(F) *Compliance.* The provisions of this section shall apply to all new construction and repainting proposed after the adopted ordinance.

(G) *Appeals.*

- (1) The applicant or any aggrieved person may appeal, in writing, setting forth his reasons for such appeal, to the Planning Commission. Such appeal shall be filed with the Community Development Director within 15 days after the receipt of the notice of such decision. The appeal shall be placed on the agenda of the Commission's next available regular meeting after the appeal is filed. The Commission shall review the sign review permit and shall approve, approve with conditions, or disapprove, based on the criteria set forth in § 10-3.419 (B). The decision of the Commission shall be final unless appealed to the Council.

- (2) The applicant or any aggrieved person may appeal, in writing, setting forth his reasons for such appeal, to the Council within 15 days after the Commission's decision. The appeal shall be filed with the City Clerk and shall be placed on the agenda of the Council's next available regular meeting after the appeal is filed. The Council shall review the application and shall approve, approve with conditions, or disapprove, based on the criteria set forth in §10-3.419 (B). The decision of the Council shall be final.

- (3) The appellant or his authorized representative shall appear in person at the appropriate Planning Commission hearing and/or the Council hearing. If no such appearance is made by the appellant or his or her authorized representative, and no continuance of such hearing has been sought, the appeal shall be automatically denied.

4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this

ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

5. Publication. The City Clerk shall certify to the passage and adoption of this Ordinance by the City Council of the City of Madera and shall cause this Ordinance to be published or posted in accordance with Government Code Section 36933 as required by law.

6. Effective Date of Ordinance: This Ordinance shall be effective and of full force and effect at 12.01 a.m. on the thirty-first day after its passage.

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The foregoing Ordinance No. 1021 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 May 2026 and adopted after a second reading at a regular meeting of the City Council held on the 20th day of May 2026 by the following vote:

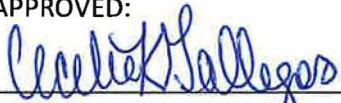
AYES: Mayor Gallegos and Councilmembers Zacharia, Rodriguez, Montes, Evans, Mejia and Villegas.

NOES: None.

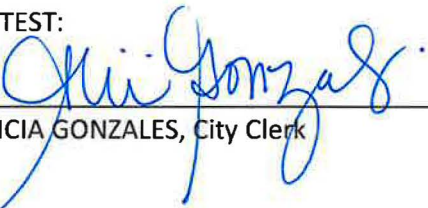
ABSTENTIONS: None.

ABSENT: None.

APPROVED:


CECELIA K. GALLEGOS, Mayor

ATTEST:


ALICIA GONZALES, City Clerk

