

**ORDINANCE NO. 959 C.S.**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 38.5 ACRES OF PROPERTY (APN: 006-380-027 AND 006-380-028), LOCATED APPROXIMATELY 2,000 FEET WEST OF THE SOUTHWEST CORNER OF THE INTERSECTION OF NORTH WESTBERRY BOULEVARD AND WEST CLEVELAND AVENUE, FROM THE PD-8000 (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, as shown in Exhibit "A", 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 X 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. 959 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 19<sup>th</sup> day of December, 2018 and adopted after a second reading at a regular meeting of the City Council held on the 2<sup>nd</sup> day of January, 2019 by the following vote:

AYES: Mayor Medellin, Council Members Montes, Gallegos, Rodriguez, Robinson, Garcia, Holley.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

APPROVED:

  
\_\_\_\_\_  
ANDREW J. MEDELLIN, Mayor

ATTEST:

  
\_\_\_\_\_  
SONIA ALVAREZ, City Clerk

APPROVED AS TO LEGAL FORM:

  
\_\_\_\_\_  
BRENT RICHARDSON, City Attorney



EXHIBIT A



## **ORDINANCE NO. 960 C.S.**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP REZONING TWO PARCELS (APN: 012-270-001, 012-270-002) FROM THE PD-3000 (PLANNED DEVELOPMENT) AND PD-4500 (PLANNED DEVELOPMENT) ZONE DISTRICTS TO THE PD-1500 (PLANNED DEVELOPMENT) ZONE DISTRICT AS 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 rezoning of these properties 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 X 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 Manager 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 Manager 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 ORDINANCE.
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. 960 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 6<sup>th</sup> day of February, 2019 and adopted after a second reading at a regular meeting of the City Council held on 20<sup>th</sup> day of February, 2019 by the following vote:

AYES: Mayor Medellin, Council Members Montes, Gallegos, Rodriguez, Robinson, Garcia, and Holley.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

APPROVED:

  
\_\_\_\_\_  
ANDREW J. MEDELLIN, Mayor

ATTEST:

  
\_\_\_\_\_  
SONIA ALVAREZ, City Clerk

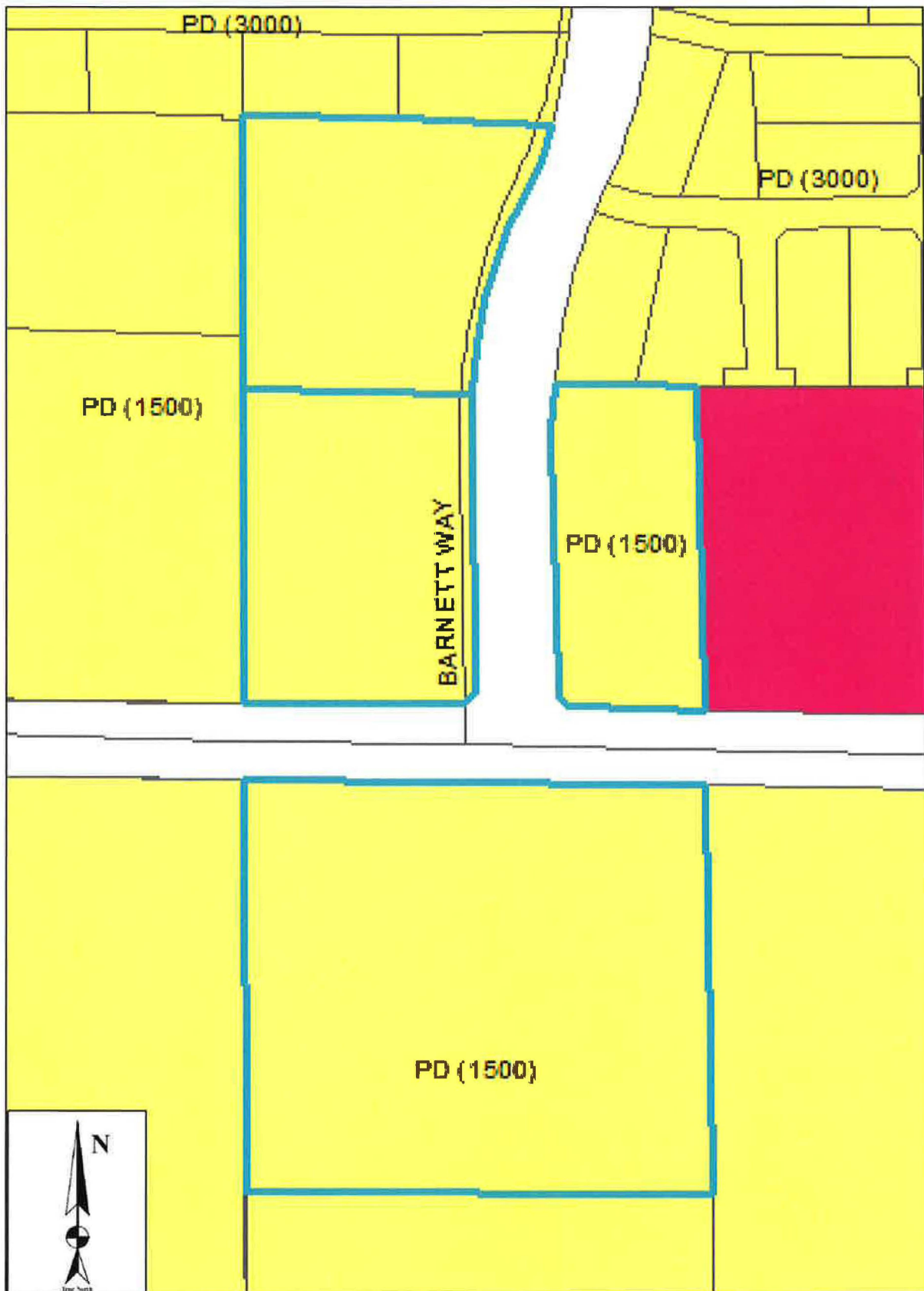


APPROVED AS TO LEGAL FORM:

Not required.  
\_\_\_\_\_  
City Attorney



EXHIBIT A



**ORDINANCE NO. 961 C.S**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA  
AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO PREZONE  
APPROXIMATELY 20 ACRES OF PROPERTY LOCATED SOUTH AND WEST  
OF THE INTERSECTION OF ELLIS STREET AND NORTH D STREET INTO 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 these properties 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 X 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 Manager 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 PREZONE WILL PROVIDE THE REQUIRED CONSISTENCY BETWEEN THE GENERAL PLAN AND ZONING.
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. 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.

\* \* \* \* \*

EXHIBIT A





The foregoing Ordinance No. 961 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 6<sup>th</sup> day of March, 2019 and adopted after a second reading at a regular meeting of the City Council held on 20<sup>th</sup> day of March, 2019 by the following vote:

AYES: Mayor Medellin, Council Members Montes, Gallegos, Rodriguez, Robinson, Garcia, and Holley.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

APPROVED:

  
\_\_\_\_\_  
ANDREW J. MEDELLIN, Mayor

ATTEST:

  
\_\_\_\_\_  
ZELDA LEON, Deputy City Clerk

APPROVED AS TO LEGAL FORM:

Not required.  
\_\_\_\_\_  
City Attorney



## ORDINANCE NO. 962 C. S.

A Summary of the Ordinance of the City Council of the City of Madera, California Amending Chapter 7 of Title V and Repealing in its Entirety Chapter 5 of Title VII of the Madera Municipal Code in Order to Update Existing Regulations Associated with Smoking, Including the Prohibition of Smoking in City Park Facilities.

In accordance with Government Code section 36933(c)(1), a summary of the above ordinance is published as follows:

Section 5-7.01 sets forth the purpose and intent of the ordinance, specifically to protect the health, safety, and general welfare of the residents of, persons employed in, and persons who frequent the city who would benefit by the regulation of smoking, and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke. This section also provides findings related to the health hazards of secondhand smoke and electronic smoking devices.

Section 5-7.02 provides definitions of specific terms relative to the regulation of smoking including, but not limited to, the definition of electronic smoking device, recreational area, smoking, and tobacco products.

Section 5-7.03 sets forth that smoking is prohibited in all enclosed public places within the city including, but not necessarily limited to, bars, bowling alleys, all forms of public transportation, day care facilities, hospitals, offices, restaurants, retail stores, recreational facilities, schools, theaters and other places of public assembly. Section 5-7.03 further sets forth that smoking is prohibited in all unenclosed public places including, but not necessarily limited to outdoor dining areas and recreational areas such as parks.

Section 5-7.04 sets forth exceptions to the prohibition of smoking in public places. Those areas not subject to the smoking restrictions of the chapter include, but are not limited to, private residences, tobacco stores, city streets and sidewalks, and golf courses.

Section 5-7.05 sets forth requirements for signage.

Section 5-7.06 sets forth policy for the enforcement of the chapter.

Section 5-7.07 declares it unlawful to fail to comply with the provisions of this chapter.

Section 5-7.08 sets forth a policy of nonretaliation against individuals who exercise rights afforded by this chapter.

Section 5-7.09 sets forth a policy of intergovernmental cooperation and compliance with this chapter.

The ordinance replaces Chapter 5 of Title VII of the Madera Municipal Code in its entirety. Chapter 5 of Title VII set forth regulations of smoking in city facilities rendered unnecessary with the amendment of Chapter 7 of Title V.

In accordance with Government Code section 36933(c)(1), a copy of the full text of this ordinance shall be posted and may be viewed in the office of the City Clerk, located at 205 West 4<sup>th</sup> Street, in the City of Madera.

## **ORDINANCE NO. 963 C.S.**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 25 ACRES OF PROPERTY (APN: 008-180-001, 008-180-002, 008-180-003, 008-180-004) LOCATED ON THE NORTHWEST CORNER OF SUNRISE AVENUE AND TOZER STREET, FROM THE R1 (LOW DENSITY) TO THE PD-4500 (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 City Council (Council) have held duly noticed public hearings for the rezoning of approximately 25 acres of property (APNs: 008-180-001 to 004) located on the northwest corner of Sunrise Avenue and Tozer Street from the R1 (Low Density) to the PD-4500 (Planned Development) Zone District.

**SECTION 2.** Based on the testimony and information presented at its public hearing, the Council has 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. The Council has further determined that the adoption of the proposed rezoning is in the best interest of the City of Madera. Such determination is 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 3.** The Council hereby approves the rezoning of the above-described property by rezoning it from the R-1 (Low Density) to the PD-4500 (Planned Development) Zone District in the manner required by Chapter 3 of Title X of the Madera Municipal Code. The Council hereby amends the City of Madera Zoning Map. The amendment is illustrated in the hereto attached Exhibit "A" which indicates the segment of the City of Madera Zoning Map to be amended.

**SECTION 4.** Unless the adoption of this amendment to the Zoning Map is lawfully stayed, thirty-one (31) days after adoption of this amendment, the Planning Manager 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 Manager and City Clerk.

SECTION 5. 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. 963 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 1<sup>st</sup> day of May 2019 and adopted after a second reading at a regular meeting of the City Council held on the 15<sup>th</sup> day of May 2019 by the following vote:

AYES: Mayor Medellin, Council Members Montes, Gallegos, Rodriguez, Robinson, Garcia, and Holley.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

APPROVED:

/s// Andrew J. Medellin  
ANDREW J. MEDELLIN, Mayor

ATTEST:

/s// Claudia Mendoza  
CLAUDIA MENDOZA, Interim City Clerk

APPROVED AS TO LEGAL FORM:

/s// Hilda Cantu Montoy  
HILDA CANTU MONTROY, Interim City Attorney

EXHIBIT A

