

RESOURCE MANAGEMENT AGENCY PLANNING & BUILDING DEPARTMENT

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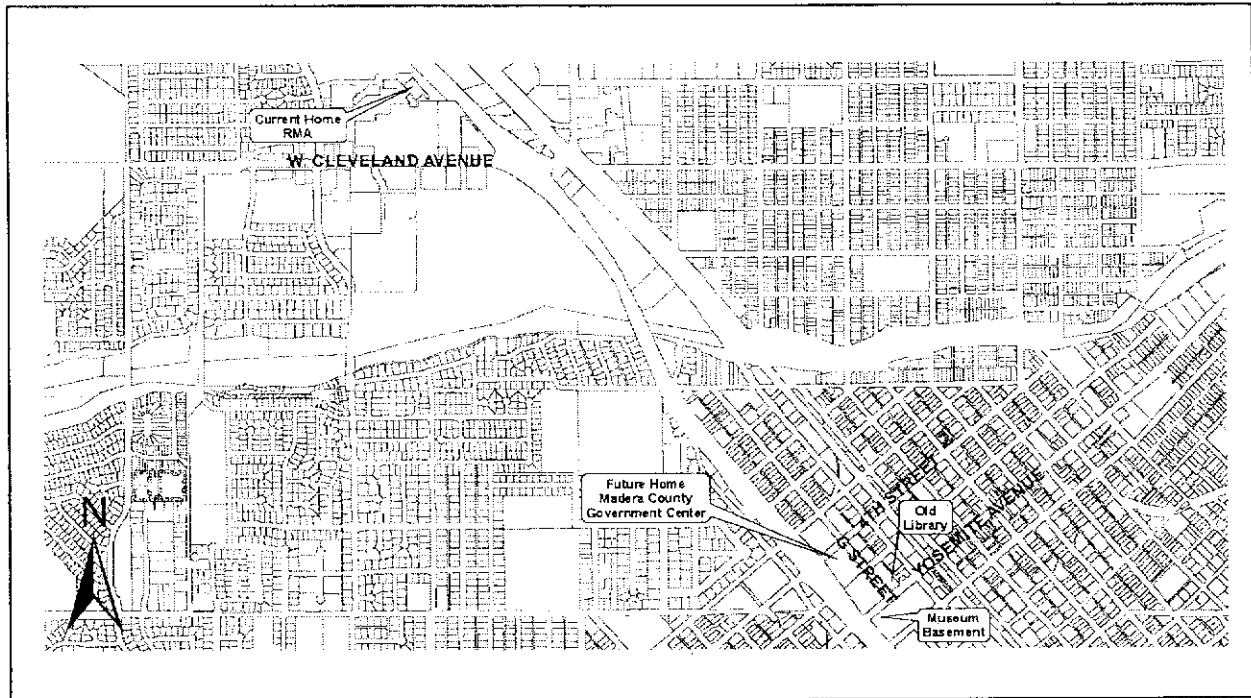
PLANNING COMMISSION DATE: February 5, 2013

AGENDA ITEM: #1

The Evolution of the Planning Department

LOCATION:

Currently located at 2037 West Cleveland Avenue, Madera, California.



It was in the winter of 1892-93 that a movement for county division reached its height in the Madera area. The real fight for separation had extended over many months, and reached its peak at a wild meeting in Fresno, on January 28, 1893. The site of the meeting was Kutner Hall in the 1100 block of Fulton Street. Between 5 and 6 p.m., a special train pulled into Fresno from the north. The passengers moved toward Kutner Hall to claim what seats might be available. This prompted the Fresno Expositor to complain that while Fresnoans were eating dinner, the Maderans took possession of the hall.

Then just before 7:30 p.m., somebody turned in a fire alarm and true to tradition, all able-bodied men and boys hurried off in search of the blaze. When the Fresnans returned, they not only found that Madera had claimed all the front seats, but also discovered that in their absence, the meeting had started. Miles Wallace, then of Sanger, had been elected chairman, and W. C. Mace of Madera, secretary. They were about to adopt the resolution favoring division.

After a loud and wild debate, a motion was made calling for division of the county and a standing vote was called for. Since the Maderans had preempted all the chairs, the Fresnans were standing anyway. This meant that when the affirmative was called for, nearly everyone in the hall was standing up. This information was sent to Sacramento and the Madera County bill passed February 25, 1893.

On May 16, 1893 an election was held to separate the part of Fresno County north and east of the San Joaquin River, resulting in a vote of 1179 in favor of the new county and 358 against. Governor H. H. Markham appointed as commissioners to supervise the formation of the new county: H. C. Daulton, O. H. Eastin (farmer for whom the Eastin School District is named), J. F. Ward, W. R. Flint and J. M. Griffin, W. C. Ring was secretary of the commission. There was then a vote on the location of the County Seat. The vote on County Seat stood; Madera, 1065; Minarets, 567.

At the same time, the first roll of county officers was selected by the voters. For Sheriff, W. H. Thurman, Pioneer lumber mill man, was named. The new Board of Supervisors consisted in the order of district numbers, of D. B. Fowler, H. C. Daulton, J. W. Myer, W. B. Aiken and J. E. Chapin. The board organized on May 27, 1893. The other officers elected were: District Attorney, F. A. Fee; Clerk, C. J. Eubanks; Recorder, Arch McDonald; Auditor, E. E. Wilcox; Treasurer, W. M. Amer; Assessor, L. U. Haskins; School Superintendent, B. A. Hawkins (formerly Fresno County School Superintendent); Tax Collector, L. W. Krohn; Coroner, J. J. Knowlton; Public Administrator, O. T. Redfield; Surveyor, Frank E. Smith.¹

The Planning Commission, consisting of seven Commissioners, was first appointed in 1939. Zoning Ordinance No. 210 was adopted July 3, 1951. November 27, 1953, by Planning Commission Minute Order #1, the Planning Commission authorized the hiring of C. W. Maher as Planning Aid. April 26, 1954, by Planning Commission Minute Order #16, Mr. Maher was promoted to Planning Director. Ten years later, in 1964, a draftsman was authorized.

¹ Clough, Charles W., 1968, *Madera*, Fresno, Panorama West Books

STAFF REPORT

February 5, 2013

The original building code went into effect July 2, 1957, prior to that, there was no code. Seventy-six (76) building permits were issued that year. To date, approximately 100,000 building permits have been issued for everything from adding a bathroom to building a shopping center.

March 2, 1960, the Board of Supervisors adopted Ordinance No 249. The purpose of this Ordinance was to provide a minimum standard to safeguard life or limb, health, property, and public welfare, by regulating and controlling the structural design, construction, quality of materials, use and occupancy, and location of all buildings and structures wherever said Ordinance applies.

For 50 years the Madera County Government Center was located in the old Lincoln Grammar School. The Planning Department was in the basement of the old Courthouse. Then Planning and Building were moved to the old Madera Library and shared this facility with the Environmental Health Department and the Engineering Department. In 1999, the Resource Management Agency was formed and the Planning Department, Engineering and Building Department, Environmental Health Department, Fire Department and the Road Department moved into our present location.

On January 15, 2013, the Board of Supervisors voted 4-0 to reorganize the Resource Management Agency. There are two divisions in the Resource Management Agency, the Public Works Division and the Community and Economic Development Division. The Community and Economic Development Division will consist of the Planning and Building Department, the Environmental Health Department and the Fire Department under the direction of the Planning Director. Public Works will consist of the Road Department, Engineering Department, Special Districts and Solid Waste under the direction of the Road Commissioner. The Planning Department will merge with the Building Department under the Planning Director.

Soon, probably in another two years, we will again be relocated. This time, onto the 3rd floor of the new Government Center.

ATTACHMENTS:

1. Exhibit A, Zoning Ordinance No. 210, 7/3/1951
2. Exhibit B, Ordinance No. 249, "An Ordinance to Provide Minimum Standards for Building, 3/2/1960
3. Building Permit Counts, 1957 – 1960
4. Resolution No. 86-312, Procedural Rules for the Madera County Planning Commission,

STAFF REPORT

February 5, 2013

- 9/16/86
5. Madera County Planning Commission, 1939 through 1/31/13
 6. Resource Management Agency Re-organization

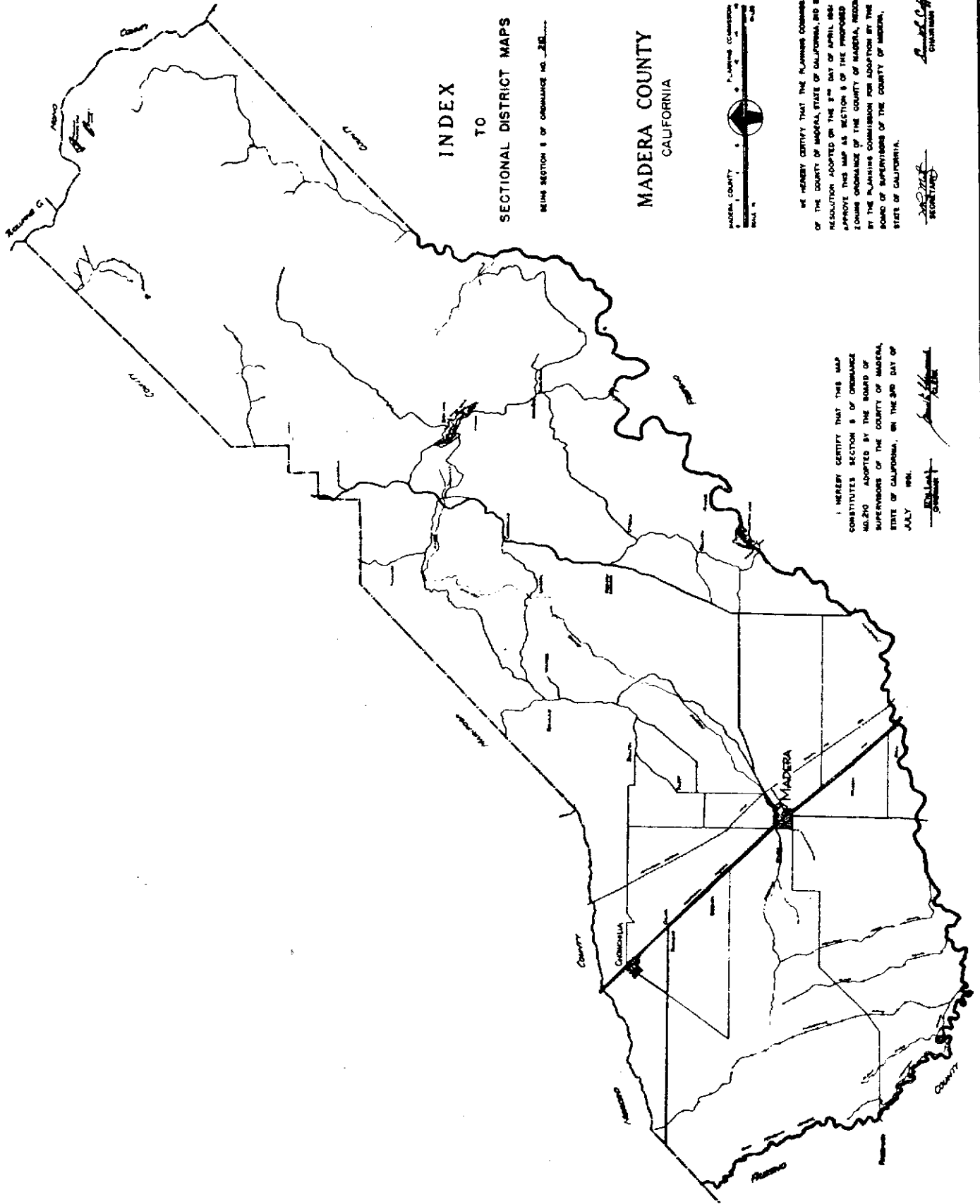
MADERA COUNTY, CALIFORNIA

ZONING ORDINANCE

No. 210

Adopted July 3, 1951

100



INDEX
TO
SECTIONAL DISTRICT MAPS

BEING SECTION 5 OF ORDINANCE NO. 220

MADERA COUNTY
CALIFORNIA



WE HEREBY CERTIFY THAT THE PLANNING COMMISSION OF THE COUNTY OF MADERA, STATE OF CALIFORNIA, HAS APPROVED THIS MAP AS SECTION 5 OF THE PROPOSED ZONING ORDINANCE OF THE COUNTY OF MADERA, RECOMMENDED BY THE PLANNING COMMISSION FOR ADOPTION BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MADERA, STATE OF CALIFORNIA.

[Signature]
CHAIRMAN

[Signature]
SECRETARY

I HEREBY CERTIFY THAT THIS MAP CONSTITUTES SECTION 5 OF ORDINANCE NO. 220 ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MADERA, STATE OF CALIFORNIA, ON THE 3RD DAY OF JULY 1961.

[Signature]
COUNTY CLERK

**MADERA COUNTY ZONING
ORDINANCE No. 210**

AN ORDINANCE OF THE COUNTY OF MADERA, STATE OF CALIFORNIA, ADOPTING A ZONING PLAN BEING A PRECISED SECTION OF THE LAND USE PLAN UNIT OF THE MASTER PLAN AND AN OFFICIAL PLAN OF SAID COUNTY; SPECIFYING THE PURPOSES AND THE EFFECTS OF THE ADOPTION OF SAID PLAN WHEREBY VARIOUS DISTRICTS ARE ESTABLISHED IN SAID COUNTY; SPECIFYING THE USES OF LAND AND OF BUILDINGS PERMITTED IN SAID DISTRICTS; ESTABLISHING CERTAIN HEIGHT LIMITS WITHIN SAID DISTRICTS; REQUIRING CERTAIN YARDS AND OTHER OPEN SPACES WITHIN SAID DISTRICTS; DESCRIBING REGULATIONS FOR THE ERECTION, CONSTRUCTION ALTERATION, AND MAINTENANCE OF BUILDINGS, STRUCTURES, AND OTHER IMPROVEMENTS IN SAID DISTRICTS, INCLUDING THE REQUIREMENT THAT CERTAIN PERMITS SHALL BE SECURED FOR CERTAIN OF SUCH BUILDINGS, STRUCTURES AND IMPROVEMENTS, AND FOR THE USE THEREOF AND OF LAND; DEFINING THE TERMS USED HEREIN; SPECIFYING THE PROCEDURE FOR THE AMENDMENT HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ANY OF THE PROVISIONS HEREOF.

The Board of Supervisors of the County of Madera, State of California, do ordain as follows:

SECTION 1. ADOPTION OF ZONING PLAN

1.1 There is hereby adopted a zoning plan for the County of Madera, State of California, said zoning plan being a Districting Plan as provided by law.

SECTION 2. PURPOSE OF ADOPTION OF ZONING PLAN

2.1 Said Zoning Plan is adopted to promote and protect the public health, safety, peace, morale, comfort, convenience and general welfare, and for the accomplishment thereof is adopted, among other purposes, for the following more particularly specified purposes, to-wit:

(a) To assist in providing a definite plan of development for the County, and to guide, control and regulate the future growth of the

County, in accordance with said plan.

(b) To protect the character and the social and economic stability of agricultural, residential, commercial, industrial and other areas, within the County and to assure the orderly and beneficial development of such areas.

(c) To obviate the menace to the public safety resulting from the location of buildings, and the uses thereof and of land, adjacent to highways which are a part of the Streets and Highways Plan of the Master Plan of the County, or which are important thoroughfares, in such manner as to cause interference with existing or prospective traffic movements on said highways.

SECTION 3. NATURE OF ZONING PLAN

3.1 Said Zoning Plan consists of the establishment of various districts within the unincorporated territory of said County within some, all, or none of which it shall be lawful, and within some, all or none of which it shall be unlawful to erect, construct, alter or maintain certain buildings or to carry on certain trades or occupations or to conduct certain uses of land or of buildings; within which the height and bulk of future buildings shall be limited; within which certain open spaces shall be required about future buildings and consisting further, of appropriate regulations to be enforced in such districts, all as set forth in this Ordinance.

SECTION 4. DISTRICTS

4.1 The several districts are as follows:

Unclassified District or "U" District
Agricultural District or "A-1" District
Rural Residential District or "R-A" District
One-Family Suburban District or "R-O" District
Highway Frontage District or "H-1" District
Recreation District or "R-E" District
Single Family Residential District or "R-1" District
Duplex Residential District or "R-2" District
Multiple Family Residential District or "R-3" District
Light Commercial District or "C-1" District
Heavy Commercial District or "C-2" District
Industrial District or "I" District
Combining District or "A-P" District

4.2 The districts hereinabove indicated in Section 4.1 are hereby established and the designations, locations and boundaries thereof are set forth and indicated in Section 5.6 provided that all the unin-

corporated portions of the County of Madera not included or indicated on the Sectional District Maps are hereby designated and classified as "U" Districts. The maps constituting Sections 5 and 6 of this Ordinance, and all notations, references and data thereon, are hereby made a part of this Ordinance.

4.3 Where uncertainty exists as to the boundaries of any of the aforementioned districts as described aforesaid or as shown on said Sectional District Maps, the Planning Commission, upon written application or upon its own motion shall determine the boundaries of such districts.

4.4 Except as otherwise provided in this Ordinance any building, structure, or improvement may be erected, constructed, established, or altered or enlarged, and any premises may be used in any portion of Madera County, without restriction as to design, arrangement or intended use or purpose provided such building, structure or improvement or the use or purpose thereof is not prohibited by law or ordinance now in force or hereafter enacted.

4.5 In districts indicated on Sectional District Maps adopted as part of this Ordinance, no building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be used, or designed to be used for any purpose or in any manner, nor shall any yard or other open space surrounding any building be encroached upon or reduced, except as permitted by and in conformity to the regulations specified herein for the district in which such building or yard or other open space is located. No building shall be erected, reconstructed, or structurally altered to exceed the height limit hereinafter designed for the district, in which such building is located. No yard or open space provided about any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building or any other lot.

4.6 No building shall hereafter be erected, nor shall any use of land be conducted except the use of land for agricultural purposes so that the same will be closer to the right of way line of any street than any Official Plan Line or any building line which has been established for such street by the Street and Highway Plan, or section thereof, of the Master Plan of the County.

SECTION 5. INDEX MAP

The Index Map to Sectional Districts Maps is attached to the end of this Ordinance, and is made a part hereof by reference.

SECTION 6. SECTIONAL DISTRICT MAPS

The Sectional Districts Maps are attached to the end of this Ordinance and are made a part hereof by reference.

Each of the Sectional Districts Maps shall be designated by the number 6 followed by a decimal point and numeral or numerals.

SECTION 7. REGULATIONS FOR "U" DISTRICTS (UNCLASSIFIED DISTRICTS)

7.1 The following regulations shall apply in all "U" Districts and shall not be subject to the provisions of Section 19. (All unincorporated areas of the County not otherwise designated are included in the "U" District).

7.1.1 Uses Permitted: All uses not otherwise prohibited by law, except that no junk yard, auto wrecking yard, and no commercial excavation of earth or building materials shall be established or undertaken within five hundred (500) feet of any public street, road or highway unless and until a use permit shall first have been secured and no such use, if allowed, shall be conducted except in conformity to the conditions of such permit.

SECTION 8. REGULATIONS FOR "A-1" DISTRICTS (AGRICULTURAL DISTRICTS)

8.1 The following regulations shall apply in all "A-1" Districts and shall be subject to the provisions of Section 19.

8.1.1 Uses Permitted:
(a) Agricultural Uses
(b) Airports
(c) Any use permitted in R-A, R-O, R-1, R-2, R-3, C-1 and C-2 Districts, except auto wrecking yards and junk yards.

8.1.2 Uses Permitted, subject to first securing a use permit in each case:

(a) Any use permitted in "T" Districts.
(b) Auto wrecking yards, junk yards, when enclosed by a solid fence at least six (6) feet in height. Commercial excavation of earth or building materials within five hundred (500) feet of any public street, road or highway.

SECTION 9. REGULATIONS FOR "R-A" DISTRICTS (RURAL RESIDENTIAL DISTRICTS)

9.1 The following regulations shall apply in all "R-A" Districts and shall be subject to the provisions of Section 20 to 20.16 inclusive.

9.1.1 Uses Permitted:
(a) Single family dwellings.
(b) Private greenhouses and horticultural collections, flower and vegetable gardens, fruit trees, dogs and cats as domestic pets, poultry not to exceed twenty-four (24) hens for domestic use nor shall any

hen coop therefor be maintained within forty (40) feet from any window or door of any residence, dwelling or other building used for human habitation.

(c) Two horses may be maintained for private use, provided that no stables or corral be maintained within forty (40) feet of any window or door of any residence, dwelling or other building used for human habitation.

(d) Home occupations provided that no name plate or sign exceeding two (2) square feet shall be displayed in connection therewith.

(e) Accessory uses normally incidental to a single family dwelling or light farming. This is not to be construed as permitting any commercial use.

(f) One sign, not over six (6) square feet in area and unlighted, pertaining only to the sale, lease or rental of the property upon which the sign is to be located.

9.1.2 Building Height Limit:
(a) Maximum of thirty-five (35) feet.

9.1.3 Building Site Area and Lot Width Required:

(a) Minimum of ten thousand (10,000) square feet and a minimum width of sixty-five (65) feet frontage. In no case shall there be more than one (1) single family dwelling on any one (1) lot.

9.1.4 Percentage of Building Site Coverage Permitted:

(a) For aggregate building coverage, maximum of forty (40) percent of lot area.

9.1.5 Yards and Open Spaces required:

(a) Front yards: Minimum twenty-five (25) feet, except as may be otherwise indicated on the Districting Maps.

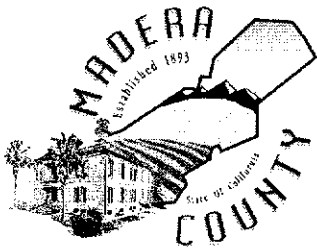
(b) Side yards: Ten (10) percent of lot width with a minimum of three (3) feet and a maximum of six (6) feet, provided that the side yard on the rear one-half (1/2) of the street side of a corner lot, where there is reversed frontage, shall not be less than the front yard required or existens on the adjacent reversed frontage.

(c) Rear yards: Twenty (20) percent of lot depth with a minimum of fifteen (15) feet and a maximum of twenty-five (25) feet.

(d) Other: Accessory buildings used for the keeping of chickens or other poultry or rabbits or other animals shall be not less than one hundred (100) feet from the front property line nor less than twenty (20) feet from any side or rear property line.

SECTION 10. REGULATIONS FOR "R-O" DISTRICTS (ONE FAMILY SUBURBAN DISTRICTS)

10.1 The following regulations shall apply in all "R-O" Districts and shall be subject to the pro-



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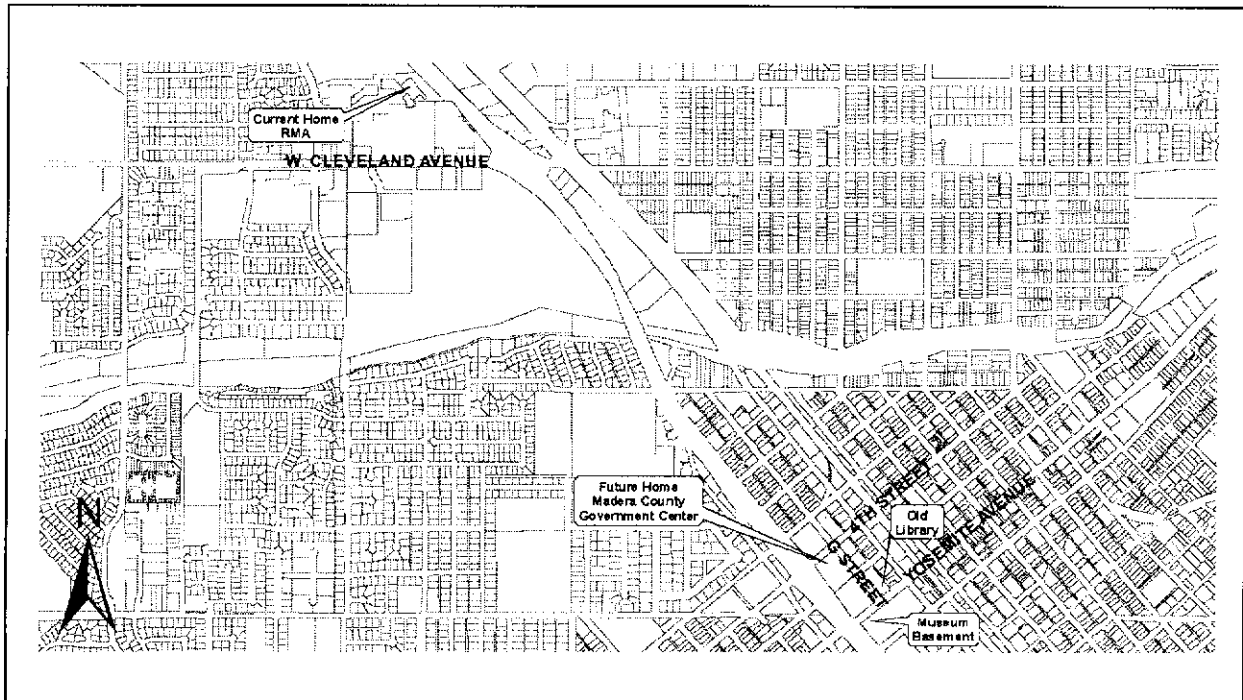
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visions of Section 20 to 20.16 inclusive.

10.11 Uses Permitted:

All uses permitted in the "R-A" Districts.

10.12 Building Height Limit:

Maximum of thirty-five (35) feet.

10.13 Building Site and Lot Width Required:

Minimum of fifteen thousand (15,000) square feet and a minimum lot width of seventy-five (75) feet. In no case shall there be more than one single family dwelling on any one lot.

10.14 Percentage of Lot Coverage:

For aggregate building coverage, maximum of forty (40) percent of lot area.

10.15 Yards Required:

(a) Front yards: Minimum required thirty (30) feet, except as may be otherwise indicated on the Districting Maps. Distances shown on Districting Maps are to be measured from front lot line.

(b) Side yards: Ten (10) percent of lot width with a minimum requirement of three (3) feet and maximum of six (6) feet provided that the side yard on the rear one-half (1/2) of the street side of a corner lot, where there is reversed frontage, shall not be less than the front yard required or existing on the adjacent reversed frontage.

(c) Rear yards: Minimum requirement of ten (10) feet.

SECTION 11. REGULATIONS FOR HIGHWAY FRONTAGE OR "R-1" DISTRICTS

11.1 The following regulations shall apply in all "R-1" Districts and shall be subject to the provisions of Section 20 of this Ordinance to 20.16 inclusive.

11.11 Uses Permitted:

(a) All agricultural uses except the conducting and maintenance of hog farms.

(b) One-family dwellings. (Yards required, percentage of lot coverage, building site required and height limit same as required in "R-1" Districts).

(c) The following uses, upon the securing of a use permit in each case, which use permit shall prescribe conditions as to area of building site, building height limit, dimensions of yards, provision of adequate automobile standing space, signs which may be displayed and such other matters as may be deemed to be necessary which conditions shall be in lieu of the regulations specified by the provisions of this section for any matters covered by such conditions:

1. Multiple dwellings, hotels, and automobile courts.

2. Automobile service stations, but not including junk yards, automobile wrecking or the storage of

used automobile parts or of junk.

3. Restaurants, refreshment stands and retail stores.

(d) Nurseries and greenhouses.

(e) Accessory buildings incidental to any of the above uses.

(f) Outdoor advertising signs.

SECTION 12. REGULATIONS FOR RECREATION OR "R-E" DISTRICTS.

12.1 The following regulations shall apply in all "R-E" Districts and shall be subject to the provisions of Section 20 of this Ordinance to 20.16 inclusive.

12.11 Uses Permitted:

(a) One-family dwellings.

(b) Golf courses, country clubs, private riding clubs and polo fields.

(c) Public parks and playgrounds, public camps operated by a public agency.

(d) Forest stations, lookout stations.

(e) One agricultural use, except feed lots, turkey and hog farming.

(f) Home occupations, provided that no name plate or sign exceeding two (2) square feet in area shall be displayed in connection therewith.

(h) Riding academies and non-commercial clubs other than those hereinbefore in this sub-section specified, subject to the securing of a use permit in each case.

(i) Accessory buildings and accessory uses, including servants' quarters and non-commercial guest houses.

12.12 Building Site Area:

Each one-family dwelling, together with its accessory buildings, shall be located on a building site in one ownership having an area not less than that specified for the "R-O" District.

12.13 Yards Required:

(a) Each lot shall have a front yard and side yard of a depth and of widths, respectively, not less than the depth and the widths, respectively which are specified in this Ordinance for the "R-O" District.

(b) Rear Yard Required: Each lot shall have a rear yard not less than twenty-five (25) feet in depth.

SECTION 13. REGULATIONS FOR SINGLE FAMILY RESIDENTIAL OR "R-1" DISTRICTS

13.1 The following regulations shall apply in all "R-1" Districts and shall be subject to the provisions of Section 20 of this Ordinance to 20.16 inclusive.

13.11 Uses Permitted:

(a) Single family dwellings.

(b) One accessory building only if constructed simultaneously with or subsequent to the main building on the same lot.

(c) Accessory uses normally incidental to single family residences. This is not to be construed as permitting any commercial use.

(d) One sign, not over four (4)

square feet in area, and pertaining only to the sale lease or rental of the property upon which the sign is to be located.

13.12 Building Height Limit:

(a) For dwellings—maximum thirty (30) feet.

(b) For accessory buildings—maximum fifteen (15) feet.

13.13 Building Site Area Required:

(a) For each dwelling—minimum of six thousand (6000) square feet and minimum width of fifty (50) feet on interior lots; minimum of seven thousand (7000) square feet and minimum width of sixty (60) feet on corner lots. In no case shall there be more than one (1) single family dwelling on any one (1) building site.

(b) For each dwelling where both water supply and sewage disposal are on the same building site—minimum of ten thousand (10,000) square feet.

13.14 Percentage of Lot Coverage Permitted:

(a) For aggregate building coverage maximum forty (40) percent of lot area.

13.15 Yards Required:

(a) Front yards: Minimum required twenty (20) feet, and maximum permitted thirty-five (35) feet, provided that where two or more lots in a block have been improved with buildings, the minimum required shall be the average of improved lots if less than twenty (20) feet.

(b) Side Yards: Ten (10) percent of lot width with a minimum requirement of three (3) feet and maximum of ten (10) feet provided that the side yard on the rear one-half (1/2) of the street side of a corner lot, where there is reversed frontage, shall not be less than the front yard required or existing on the adjacent reversed frontage.

(c) Rear yards: Twenty (20) percent of lot depth with a minimum requirement of fifteen (15) feet and a maximum of twenty-five (25) feet.

SECTION 14. REGULATIONS FOR DUPLEX RESIDENTIAL DISTRICT OR "R-2" DISTRICT

14.1 The following regulations shall apply in all "R-2" Districts and shall be subject to the provisions of Section 20 of this Ordinance to 20.16 inclusive.

14.11 Uses Permitted:

(a) Any use permitted in the R-1 District

(b) Two-family dwellings or duplexes

14.12 Building Height Limit:

(a) For dwellings—maximum thirty (30) feet

(b) For accessory buildings—maximum fifteen (15) feet

14.13 Building Site Area Required:

(a) For each dwelling unit—minimum of five thousand (5000) square feet and minimum width of fifty (50) feet on interior lots;

minimum of six thousand (6000) square feet and minimum width of sixty (60) feet on corner lots. In no case shall there be more than one (1) single family dwelling or duplex on any one (1) building site.

(b) For each dwelling unit where both water supply and sewage disposal are on the same building site, minimum of ten thousand (10,000) square feet

14.14 Percentage of Lot Coverage Permitted:

(a) For aggregate building coverage—maximum fifty (50) percent of lot area.

14.15 Yards Required:

(a) Front Yards: Minimum required twenty (20) feet, and maximum permitted thirty-five (35) feet, provided that where two or more lots in a block have been improved with buildings, the minimum required shall be the average of improved lots if less than twenty (20) feet.

(b) Side Yards: Ten (10) percent of lot width with a minimum requirement of three (3) feet and maximum of ten (10) feet, provided that the side yard on the rear one-half (1/2) of the street side of a corner lot, where there is reversed frontage, shall not be less than the front yard required or existing on the adjacent reversed frontage.

(c) Rear Yards: Twenty (20) percent of lot depth with a minimum requirement of fifteen (15) feet and a maximum of twenty-five (25) feet.

SECTION 15. REGULATIONS FOR MULTIPLE FAMILY RESIDENTIAL OR "R-3" DISTRICT

15.1 The following regulations shall apply in all "R-3" Districts and shall be subject to the provisions of Section 20 of this Ordinance to 20.16 inclusive.

15.11 Uses Permitted:

(a) Any use permitted in the R-1 or R-2 Districts

(b) Multiple dwellings, apartment houses

(c) Hotels, motels and rooming or boarding houses, dwelling groups, subject to first securing a use permit in each case.

(d) Professional offices, subject to first securing a use permit in each case.

(e) Community centers, social halls, lodges, clubs and rest homes, subject to first securing a use permit in each case.

(f) Accessory uses and buildings normally incidental to any of the above. This shall not be construed as permitting any commercial use or occupation other than those specifically listed.

(g) Signs or nameplates not over two (2) square feet in area and attached to the main building, provided that larger signs appurtenant to any use may be permit-

ted if a use permit is first secured in each case.

15.12 Building Height Limit:

(a) For main buildings—maximum fifty (50) feet

(b) For accessory buildings—maximum fifteen (15) feet

15.13 Building Site Area Required:

(a) For each building or group of buildings—minimum of five thousand (5000) square feet and minimum width of fifty (50) feet on interior lots; minimum of six thousand (6000) square feet and minimum width of sixty (60) feet on corner lots.

(b) For each family units in any building or group of buildings—minimum of twelve hundred and fifty (1250) square feet.

(c) For each family unit where both water supply and sewage disposal are on the same building site—minimum site area shall be five thousand (5,000) square feet

15.14 Percentage of Lot Coverage:

(a) For aggregate building coverage—maximum of seventy-five (75) percent.

15.15 Yards Required:

(a) Front Yards: Minimum required twenty (20) feet, and maximum permitted thirty-five (35) feet, provided that where two or more lots in a block have been improved with buildings, the minimum required shall be the average of improved lots if less than twenty (20) feet.

(b) Side Yards: Ten (10) percent of lot width with a minimum requirement of three (3) feet and maximum of ten (10) feet, provided that the side yard on the rear one-half (1/2) of the street side of a corner lot, where there is reversed frontage, shall not be less than the front yard required or existing on the adjacent reversed frontage. Interior side yards shall be increased by two (2) feet for each ten (10) feet or portion thereof that the building exceeds thirty (30) feet in height.

(c) Rear Yards: Minimum of five (5) feet.

(d) Special yards and distances between buildings:

1. Distance between buildings in any dwelling group—Minimum eight (8) feet.

2. Side yard providing access to single row dwelling group—Minimum twelve (12) feet.

3. Inner court providing access to double row dwelling group—Minimum twenty (20) feet.

SECTION 16. REGULATIONS FOR LIGHT COMMERCIAL DISTRICT OR "C-1" DISTRICT

16.1 The following regulations shall apply in all "C-1" Districts and shall be subject to the provisions of Section 20 of this Ordinance to 20.16 inclusive.

16.11 Uses Permitted:

(a) Any use permitted in any R District.

(b) Retail stores and personal service establishments within a building, including appliance stores, bakeries, banks, barber shops, beauty parlors, book stores, department stores, drug stores, food shops, hardware stores, mortuaries, nurseries, offices, radio stores, gasoline service stations, restaurants, shoe shops, studios, tailor shops, and other uses which in the opinion of the Planning Commission are of a similar nature.

(c) Animal hospitals, auto repair shops, cleaning and dyeing establishments, creameries, laundries, laundrettes, outdoor markets, outdoor sales establishments, pet shops, public garages, theatres, used car sales lots and other uses which, in the opinion of the Planning Commission are of a similar nature and all subject to first securing a use permit in each case.

(d) Signs, appurtenant to any permitted use provided that other signs, including billboards, may be permitted if a use permit is first secured in each case.

16.12 Building Height Limit:

(a) Maximum height any building—fifty (50) feet.

16.13 Building Site Area Required:

(a) For each main building—Minimum two thousand (2000) square feet.

16.14 Yards Required:

(a) Front Yard—None except where the frontage in a block is partially in an "R" District, in which case the front yard shall be the same as required in such "R" District.

(b) Side Yard—None except where the side of a lot abuts upon the side of a lot in an "R" District, in which case the side yard shall be not less than ten (10) feet.

(c) Rear Yard—None except where the rear of a lot abuts on an "R" District, in which case the rear yard shall be not less than ten (10) feet.

SECTION 17. REGULATIONS FOR HEAVY COMMERCIAL DISTRICT OR "C-2" DISTRICT

17.1 The following regulations shall apply in all "C-2" Districts and shall be subject to the provisions of Section 20 of this Ordinance to 20.16 inclusive.

17.11 Uses Permitted:

(a) Any use permitted in any "R" or "C-1" District.

(b) Wholesale stores and storage within a building.

(c) The following uses when conducted within a building or enclosed by a solid board or masonry fence at least six (6) feet in height, and subject to first securing a use permit in each case: Auto wrecking, bottling works,

blacksmith shops, building materials yards, contractor yards, feed and fuel yards, junk yards, lumber yards, machine shops, planing mills, storage of goods and materials and other uses which in the opinion of the Planning Commission are of a similar nature.

(d) Light manufacturing, including manufacture of clothing, novelties and toys and uses which, in the opinion of the Planning Commission are of similar nature and all subject to first securing a use permit in each case.

(e) Signs, appurtenant to any permitted use provided that other signs including billboards may be permitted if a use permit is first secured in each case.

17.12 Building Height Limit:

(a) Maximum height of any building—fifty (50) feet, provided that additional height may be permitted if a use permit is first secured in each case.

17.13 Building Site Area Required:

(a) For each main building—Minimum two thousand (2000) square feet.

17.14 Yards Required:

(a) Front yard—None except where the frontage in a block is partially in an "R" District, in which case the front yard shall be the same as required in such "R" District.

(b) Side yard—None except where the side of a lot abuts upon the side of a lot in an "R" district, in which case the side yard shall be not less than ten (10) feet.

(c) Rear yard—None except where the rear of a lot abuts on an "R" District, in which case the rear yard shall be not less than ten (10) feet.

SECTION 18. REGULATIONS FOR INDUSTRIAL DISTRICT OR "I" DISTRICT

18.1 The following regulations shall apply in all "I" Districts and shall be subject to the provisions of Section 20 of this Ordinance to 20.16 inclusive.

18.11 Uses Permitted:

(a) Retail and wholesale stores or storage, service establishments, light industrial and manufacturing uses and any other uses which, in the opinion of the Planning Commission are of similar nature.

(b) Industrial or manufacturing uses provided that those uses, which in the opinion of the Planning Commission may be objectionable by reason of production of offensive odor, dust, noise, bright light, vibration or involving the storage or handling of explosive or dangerous materials, and all the uses listed hereunder, may be permitted only if a use permit is first secured in each case:

All uses permitted in any "R" District; drilling for and/or removal of oil, gas, or other hydrocarbon substances; commercial

excavation of building or construction materials; distillation of bones; dumping, disposal, incineration or reduction of garbage, sewage, offal, dead animals, or refuse, fat rendering; manufacture or storage of acid, cement, explosives, or fireworks, fertilizer, gas, inflammable fluids, glue, gypsum, lime or plaster of paris, stockyard or slaughter of animals, refining of petroleum or its products, smelting of iron, tin, zinc, or other ores; junk yards, hog raising.

(c) Signs appurtenant to any permitted use provided that other signs, including billboards may be permitted if a use permit is first secured in each case.

18.12 Building Height Limit:

(a) Maximum height of any building—Sixty-five (65) feet provided that additional height may be permitted if a use permit is first secured.

18.13 Yards Required:

(a) Front yard—None except where the frontage in a block is partially in an "R" District, in which case the front yard shall be the same as required in such "R" District.

(b) Side yard—None except where the side of a lot abuts upon the side of a lot in an "R" District, in which case the side yard shall be not less than ten (10) feet.

(c) Rear yard—None except where the rear of a lot abuts on an "R" District, in which case the rear yard shall be not less than ten (10) feet.

SECTION 19. REGULATIONS FOR "AP" COMBINING DISTRICTS

19.1 The following regulations shall apply in all districts with which are combined "AP" districts, in addition to the regulation hereinbefore specified therefor, and shall be subject to the provisions of Section 20 to 20.16 inclusive of this Ordinance; provided, however that if any of the regulations specified in this Section differ from any of the corresponding regulations specified in this Ordinance for any district with which is combined an "AP" district, then in such case the provisions of this Section shall govern.

19.11 Uses Permitted:

(a) All uses permitted in the respective districts with which the "AP" district is combined.

19.12 Uses Permitted, subject to securing a use permit in each case:

(a) Airports

(b) Uses accessory and incidental to airport development.

19.13 Building Height Limit:

(a) For main buildings—maximum fifteen (15) feet, provided that additional height may be permitted if a use permit is first secured in each case.

19.14 Building Site Area Required:

(a) For each building or group of buildings—minimum for residential use shall be as prescribed for the district which is combined in "AP" district; minimum for commercial or industrial use three thousand (3000) square feet.

(b) For each family unit in any multiple dwelling, apartment, dwelling group or motel, shall be as prescribed in the R-3 district.

19.15 All other regulations shall be as specified for the district in which the use is located.

SECTION 20. GENERAL PROVISIONS AND EXCEPTIONS

20.1 The regulations specified for this Ordinance shall be subject to the following general provisions and exceptions:

20.11 Uses:

(a) No circus, carnival, amusement park, open air theatre, race track, private recreation centers, or other similar establishments, shall be established in any District unless and until a use permit is first secured for the establishment, maintenance and operation of such use.

(b) No dance hall, road house, night club, commercial club, or any establishment where liquor is served, or commercial place of amusement or recreation or any such place or any other place where entertainers are provided, whether as social companions or otherwise, shall be established in any District, closer than two hundred (200) feet to the boundary of any dwelling district, unless a use permit shall first have been secured for the establishment, maintenance and operation of such use.

(c) Accessory uses and buildings in any "C" or "I" District may be permitted where such uses or buildings are incidental to and do not alter the character of the premises in respect to their use for purposes permitted in the District. Such accessory buildings shall be allowed only when constructed concurrent with or subsequent to the main building.

(d) Public or private parking lots for automobiles may be permitted in any "R" District adjacent to any "C" or "I" District, providing a use permit shall first be obtained in each case.

(e) Churches, schools, hospitals, parks and playgrounds, public utility and public and quasi-public buildings may be permitted in any "R" District providing a use permit shall first be obtained in each case.

(f) The removal of minerals, earth and other natural materials, may be permitted in any District providing a use permit shall first be obtained in each case.

20.12 Height Limits:

(a) Chimneys, cupolas, flag poles, monuments, radio and other

towers, water tanks, and similar structures and mechanical appurtenances may be permitted in excess of height limits provided a use permit is first obtain in each case SUBJECT to the exception, however, that poles or towers required in the operation of public utilities constructed in excess of height limits may be so constructed and maintained without use permits.

(b) In any R-1, R-2, or R-3 District, no fence, hedge or screen planting of any kind shall hereinafter be constructed or grown to exceed six (6) feet in height, within any required side yard to the rear of the front line of any dwelling or along any rear property line, nor to exceed three (3) feet in height along the property line to the front of any dwelling or within fifteen (15) feet of the street corner on any corner lot.

20.13 Building Site Area:

(a) Any lot or parcel of land under one ownership and of record on the effective date of this Ordinance and where no adjoining land is owned by the same person may be used as a building site even when of less area or width than that required by the regulations for the district in which it is located.

20.14 Yards:

(a) Architectural features such as cornices, eaves and canopies may extend not exceeding two (2) feet into any required yard.

(b) Open porches, landing places or outside stairways may project not exceeding three (3) feet into any required side yard, and not exceeding six (6) feet into any required front yard.

(c) Whenever an Official Plan Line has been established for any street, required yards shall be measured from such line and in no case shall the provisions of this Ordinance be construed as permitting any encroachment upon any Official Plan Lines.

(d) In case an accessory building is attached to the main building, it shall be made structurally a part of and have a commonwall with the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building. Unless so attached an accessory building in an "R" District shall be located on the rear one-half (½) of the lot and at least ten (10) feet from any dwelling building existing or under construction on the same lot or any adjacent lot. Such accessory building shall not be located within five (5) feet of any alley or within five (5) feet of the side line of the front one-half (½) of any adjacent lot or in the case of a corner lot to project beyond the front yard required or existing on the adjacent lot.

20.15 Automobile Storage or Parking Space:

Storage or parking space for the parking of automobiles off the street shall be provided in any R-1, R-2, or R-3 District as follows:

(a) Not less than one (1) garage for each single family dwelling.

(b) Not less than one (1) garage space for each family unit in any duplex, multiple dwelling, dwelling group or apartment.

(c) Not less than one (1) garage space for each two (2) guest rooms in any rooming house.

(d) Not less than one (1) garage space for each four (4) guest rooms in any hotel.

(e) Parking space required for other uses allowed in any "R" District and not set forth above shall be determined by the Planning Commission and set forth as a condition to the granting of the use permit for such.

20.16 Architectural Control:

(a) In case an application is made for a permit for any building or structure in any Commercial or Industrial District, said application shall be accompanied by architectural drawings or sketches showing the elevations of the proposed building or structure and proposed landscape, or other treatment of the grounds around such building or structure. Such drawings or sketches shall be considered by the Planning Commission in an endeavor to provide that the architectural and general appearance of such buildings or structures and grounds be in keeping with the character of the neighborhood and such as not to be detrimental to the orderly and harmonious development of the County or to impair the desirability of investment or occupation in the neighborhood.

(b) The Planning Commission may appoint an Architectural Committee of three members, two who may be employees of the County of Madera.

(c) The Architectural Committee shall have authority to approve architectural sketches within the meaning of Section 20.16 of this Ordinance.

(d) In case the applicant is not satisfied with the decision of the Architectural Committee, he may within thirty (30) days after such action appeal in writing to the Planning Commission. The Architectural Committee, may if it deems it advisable, refer any application for architectural approval to the Planning Commission for its decision.

(e) In case the applicant is not satisfied with the action of the Planning Commission, he may

within thirty (30) days appeal in writing to the Board of Supervisors, and said Board shall render its decision within thirty (30) days after the filing of such appeal.

(f) No permit shall be issued in any case hereinabove mentioned until such drawings and sketches have been approved by the Planning Commission or by the Board of Supervisors in the event of appeal from the Planning Commission, and all buildings, structures and grounds shall be in accordance with the drawings and sketches.

SECTION 21. NON-CONFORMING USES

(a) The lawful use of land existing at the time of the adoption of this Ordinance, although such use does not conform to the regulations herein specified for the district in which such land is located, may be continued, provided that no such use shall be enlarged or increased, nor be extended to occupy a greater area than that occupied by such use at the time of the adoption of this Ordinance, and that if any such use ceases, the subsequent use of such land shall be in conformity to the regulations specified by this Ordinance for the district in which such land is located.

(b) The lawful use of building existing at the time of the adoption of this Ordinance may be continued, although such use does not conform to the regulations specified for the district in which such building is located.

(c) The non-conforming use of a portion of a building may be extended throughout the building provided that in each case a use permit shall first be obtained.

(d) The non-conforming use of a building may be changed to a use of the same or more restricted nature provided that in each case a use permit shall first be obtained.

(e) If the non-conforming use of a building ceases for a continuous period of six (6) months, it shall be considered abandoned and shall thereafter be used only in accordance with the regulations for the district in which it is located.

(f) A non-conforming building damaged or destroyed by fire, explosion, earth-quake, or other act to an extent of more than seventy-five (75) percent of the appraised value thereof, according to the assessor's records may be restored only if made to conform to all the regulations of the district in which it is located provided that such building may be restored to a floor area not exceeding that of the

former building if a use permit is first secured in each case.

(g) Ordinary maintenance and repairs may be made to any non-conforming building providing no structural alterations are made and providing that such work does not exceed fifteen (15) percent of the appraised value in any one (1) year period. Other repairs or alterations may be permitted provided that a use permit shall first be secured in each case.

(h) Nothing contained in this ordinance shall be deemed to require any change in the plans, construction or designated use of any building for which a building permit has properly been issued, in accordance with the provisions of ordinances then effective, and upon which actual construction has been started prior to the effective date of this ordinance, provided that in all such cases actual construction shall be diligently carried on until completion of the building.

SECTION 22. PERMITS, VARIANCES AND AMENDMENTS

22.1 Zoning Permits

22.11 Zoning permits shall be required for all buildings and structures hereinafter erected, constructed, altered, repaired or moved within or into any district established by this ordinance, and for the use of vacant land or for a change in the character of the use of land, within any district established by this ordinance. Such permit may be a part of the building permit.

22.2 Use Permits

22.21 Use permits, revocable, conditional or valid for a term period may be issued for any of the uses or purposes for which such permits are required or permitted by the terms of this Ordinance.

22.22 Application:

(a) Application for use permit shall be made to the Planning Commission in writing on a form prescribed by the Commission and shall be accompanied by plans and elevations necessary to show the detail of the proposed use or building. Such application shall be accompanied by a fee of five dollars (\$5.00).

22.23 Public Hearing:

(a) No public hearing need be held thereon, provided that the Planning Commission may hold any hearings, as it deems necessary.

(b) In case a public hearing is deemed necessary, a notice of such hearing shall be posted on the property involved or adjacent thereto at least ten (10) days prior to such hearing.

22.24 Action by Commission:

(a) In order to grant any use permit the findings of the Plan-

ning Commission shall be that the establishment, maintenance or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

(b) The Planning Commission may designate such conditions in connection with the use permit, as it deems necessary to secure the purposes of this Ordinance and may require such guarantees and evidence that such conditions are being or will be complied with. In cases where the use permit is refused, the Planning Commission shall state its reasons for such refusal. Use permits shall not become effective for fifteen (15) days after being granted, and in the event appeal is filed, said permit shall not become effective until a decision is made by the Board of Supervisors on such appeal.

22.25 Appeal:

(a) In case the applicant or any other person, firm, or corporation is not satisfied with the action of the Planning Commission, he may within fifteen (15) days appeal in writing to the Board of Supervisors.

(b) The Board of Supervisors shall set date for public hearing and shall post notice as set forth in Section 22.23 (b). Notice shall also be given to the Planning Commission of such appeal and the Planning Commission shall submit a report to the Board of Supervisors setting forth the reasons for action taken by the Commission, or shall be represented at the hearings.

(c) The Board of Supervisors shall render its decision within sixty (60) days after the filing of such appeal.

22.26 Effect:

No building or zoning permit shall be issued in any case where a use permit is required by the terms of this ordinance unless and until such use permit has been granted by the Planning Commission or Board of Supervisors and then only in accordance with the terms and conditions of the use permit granted.

22.3 Variance and Appeals:

Where practical difficulties, unnecessary hardships and results inconsistent with the general purpose of this ordinance may result from the strict application of certain provisions thereof, variance may be granted as provided in this section.

22.31 Application:

(a) Application for variance shall be made in writing on a form prescribed by the Planning Commission and shall be accompanied by a fee of ten (10) dollars and statement, plans and evidence showing:

1. That there are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, and/or uses in the same district.

2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

3. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

22.32 Public Hearing:

(a) A public hearing shall be held within thirty (30) days after filing of application, notice of which shall be given by one (1) publication in a newspaper of general circulation in the County at least ten (10) days prior to such hearing and by posting notice on the property involved, or adjacent thereto, at least ten (10) days prior to such hearing.

22.33 Action by Commission:

(a) After the conclusion of the public hearing, the Planning Commission shall make a written finding of facts showing whether the qualifications under Section 22.31 (a) apply to the land, building or use for which variance is sought and whether such variance shall be in harmony with the general purposes of this Ordinance. Such written finding of facts shall be submitted to the Board of Supervisors within thirty (30) days after the public hearing and may include recommendations for such conditions as the Planning Commission deems necessary to secure the purposes of this Ordinance.

22.34 Action by Board of Supervisors:

(a) The Board of Supervisors shall consider the application for variance within thirty (30) days after receipt of the Planning Commission report, and, if the Board of Supervisors finds that the qualifications under 22.31 (a) apply to the land, building or use for

which variance is sought and that such variance is in harmony with the general purposes of this ordinance, said Board of Supervisors shall by resolution grant such variance.

(b) The Board of Supervisors may designate such conditions in connection with the variance as it deems necessary to secure the purposes of this ordinance and may require such guarantees and evidence that such conditions are being or will be complied with.

22.35 Appeals:

(a) The Planning Commission shall have the power to hear and decide appeals based on the enforcement or interpretation of the provisions of this ordinance.

(b) In case an applicant is not satisfied with the action of the Planning Commission on his appeal he may within fifteen (15) days appeal in writing to the Board of Supervisors.

(c) Notice shall be given to the Planning Commission of such appeal and a report shall be submitted by the Planning Commission to the Board of Supervisors setting forth the reasons for action taken by the Commission or shall be represented at the Board meeting.

(d) The Board of Supervisors shall render its decision within thirty (30) days after the filing of such appeal.

22.4 Revocation of Permits or Variances:

22.41 Any zoning permit, use permit or variance granted in accordance with the terms of this ordinance may be revoked if not used within one year from date of approval, or if any of the conditions or terms of such permit or variance are violated or if any law or ordinance is violated in connection therewith.

22.42 The Planning Commission shall hold a hearing on any proposed revocation after giving written notice to the permittee at least ten (10) days prior to the hearing and shall submit its recommendations to the Board of Supervisors.

The Board of Supervisors shall act thereon within thirty (30) days after receipt of the recommendations of the Planning Commission.

SECTION 23. AMENDMENTS

23.1 This ordinance may be amended by changing the boundaries of districts or by changing any other provision thereof whenever the public necessity and convenience and the general welfare require such amendment by following the procedure of this section.

23.11 Initiation:

(a) An amendment may be initiated by:

1. The verified petition of one

or more owners of property affected by the proposed amendment, which petition shall be filed with the Planning Commission and shall be accompanied by a fee of twenty-five (25) dollars, no part of which shall be returnable to the petitioner, or by

2. Resolution of intention of the Board of Supervisors, or by

3. Resolution of intention by the Planning Commission.

23.12 Public Hearings:

(a) The Planning Commission shall hold two (2) public hearings on any proposed amendment at least ten (10) days apart, and shall give notice thereof by at least one publication in a newspaper of general circulation within the county at least ten (10) days prior to the first of such hearings.

(b) In case the proposed amendment consists of a change of the boundaries of any district so as to reclassify property from any district to any other district, the Planning Commission shall give additional notice of the time and place of such hearings and of the purpose thereof by posting at least three public notices thereof not less than ten (10) days prior to the date of the first of such hearings along streets upon which the property proposed to be reclassified abuts. Each such notice shall consist of the words "Notice of Proposed Zoning Change" in letters not less than one (1) inch in height, and in addition thereto, a statement in small letters setting forth a general description of the property involved in the proposed change of district, the time and place at which the public hearings on the proposed change will be held and any other information which the Planning Commission may deem to be necessary.

(c) Any failure to post public notices as aforesaid shall not invalidate any proceedings for amendment of this zoning ordinance.

23.13 Action by Planning Commission:

(a) Following the aforesaid hearings the Planning Commission shall make a report of its findings and recommendations with respect to the proposed amendment and shall file with the Board of Supervisors an attested copy of such report within ninety (90) days after the notice of the first of said hearings; provided that such time limit may be extended upon the mutual agreement of the parties having an interest in the proceedings. Failure of the Planning Commission so to report within ninety (90) days without the aforesaid agreement, shall be deemed to be approval of the proposed amendment by the Planning Commission.

23.14 Action by Board of Supervisors:

(a) Upon receipt of such report from the Planning Commission or upon the expiration of such ninety (90) days as aforesaid, the Board of Supervisors shall set the matter for public hearing after notice thereof any of the proposed amendment, given as provided by law. After the conclusion of such hearing the Board of Supervisors may adopt the amendment or any part thereof set forth in the petition in such form as said Board may deem to be advisable.

(b) The decision of the Board of Supervisors shall be rendered within sixty (60) days after the receipt of a report and recommendations from the Planning Commission or after the expiration of such ninety (90) days as aforesaid.

SECTION 24. DEFINITIONS

24.1 For the purpose of this Ordinance certain terms used herein are defined as follows:

24.11 All words used in the present tense shall include the future tense; all words in the plural number shall include the singular number, and all words in the singular number shall include the plural number, unless the natural construction of the wording indicates otherwise. The word "lot" includes the word "plot"; the word "building" includes the word "structure"; and the word "shall" is mandatory and not directory. The word "County" as used herein shall mean the County of Madera, State of California; the words "Board of Supervisors" shall mean the Board of Supervisors of the County of Madera, State of California; the words "Planning Commission" shall mean the County Planning Commission of the County of Madera, State of California; and the words "County Boundary" shall mean the boundary of the County of Madera, State of California, and/or the boundary of any incorporated municipality within said County.

24.12 Agriculture: The tilling of the soil, the raising of crops, horticulture, viticulture, small livestock farming, dairying, and/or animal husbandry, including all uses customarily incidental thereto but not including slaughter houses, fertilizer yards, bone yards or plants for the reduction of animal matter or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust or fumes.

24.13 Airports: The commercial operation of any area of land or water designed and set aside for the landing and taking off of aircraft, but not including private agricultural operations.

24.14 Alley: Any public thoroughfare, not exceeding thirty (30) feet in width, for the use of pedestrians and/or of vehicles which affords only a secondary means of access to abutting property.

24.15 Apartment: A room or suite of two or more rooms which is designed for, intended for and/or occupied by one family doing its cooking therein.

24.16 Apartment Court: See Dwelling Group.

24.17 Apartment House: See Dwelling, Multiple.

24.18 Automobile Camp: Land or premises used or intended to be used, let or rented for occupancy by campers traveling by automobiles or otherwise, or for occupancy by or of trailers or movable dwellings, rooms or sleeping quarters of any kind.

24.19 Automobile Court: A group of two or more detached or semi-detached buildings containing guest rooms and/or apartments with automobile storage space serving such rooms and/or apartments provided in connection therewith, which group is designed, intended and/or used primarily for the accommodation of automobile travelers; including groups designated as auto cabins, motor lodges, and by similar designations.

24.20 Automobile Wrecking: See Junk Yards.

24.21 Basement: A story underground and having at least one-half (1/2) of its height below grade. A basement shall be counted as a story if the vertical distance from grade to the ceiling is over five feet or if used for business purposes or if for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.

24.22 Block: That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting streets and railroad right-of-way or unsubdivided acreage.

24.23 Building: Any structure having a roof supported by columns and/or by walls and intended for the shelter, housing and/or enclosure of any person, animal or chattel. When any portion thereof is completely separated from every other portion thereof by a masonry division of fire wall without any window, door or other opening therein, which wall extends from the ground to the upper surface of the roof at every point, then each such portion shall be deemed to be a separate building.

24.24 Building, Accessory: A subordinate building, the use of which is incidental to that of a main

building on the same lot. On any lot upon which is located a dwelling any building which is incidental to the conducting of any agricultural use shall be deemed to be an accessory building.

24.25 Building, Main: A building in which is conducted the principal use of the lot upon which it is situated. In any "R" District any dwelling shall be deemed to be a main building upon the lot upon which the same is situated.

24.26 Bungalow Court: See House Court; also Dwelling Group.

24.27 Business or Commerce: The purchase, sale or other transaction involving the handling or disposition (other than is included in the term "industry" as defined herein) of any article, substance or commodity for profit or livelihood, including, in addition, office buildings, offices, shops for the sale of personal services, garages, outdoor advertising signs and outdoor advertising structures, automobile camps, automobile courts, and recreational and amusement enterprises conducted for profit, but not including junk yards.

24.28 Court: An open, unoccupied space, other than a yard, on the same lot with a building or buildings and which is bounded on two (2) or more sides by such building or buildings, including the open space in a house court or court apartment providing access to the units thereof.

24.29 District: A portion of the unincorporated territory of the County within which certain uses of land, premises and buildings are permitted and certain other uses of land, premises and buildings are not permitted and within which certain yards and other open spaces are required and certain building site areas are established and certain height limits are established for buildings, all as set forth and specified in this ordinance.

24.30 Dwelling, One-Family: A detached building designed for and/or occupied exclusively by one family.

24.31 Dwelling, Two-Family: A detached building designed for and/or occupied exclusively by two families living independently of each other.

24.32 Dwelling, Multiple: A building or portion thereof used and/or designed as a residence for three or more families living independently of each other, and doing their own cooking in said building, including apartment houses, apartment hotels and flats, but not including automobile courts.

24.33 Dwelling Group: A group of two or more detached or semi-detached one-family, two-family or multiple dwellings occupying a parcel of land in one ownership and having any yard or court in common, including house courts and apartment courts, but not including automobile courts.

24.34 Family: One or more per-

sons occupying a premises and living as a single, non-profit house-keeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include necessary servants.

24.36 Front Wall: The wall of the building or other structure nearest the street upon which the building faces, but excluding certain architectural features as specified in Section 20.14 of this Ordinance.

24.36 Garage: An accessible and usable covered space of not less than eight (8) feet by twenty (20) feet for the parking of automobiles off the street, such space to be so located on the lot so as to meet the requirements of this Ordinance for an accessory building.

24.37 Garage or Parking Space: An accessory and usable space on the building site at least eight (8) feet by twenty (20) feet located off the street with access for the parking of automobiles.

24.38 Garage, Public: Any premises, except those herein defined as a private or storage garage, used for the storage and/or care of self-propelled vehicles or where any such vehicles are equipped for operation or repair, or kept for remuneration, hire or sale.

24.39 Garage, Storage: Any premises, except those herein defined as a private garage, used exclusively for the storage of self-propelled vehicles.

24.40 Guest Room: A room which is intended, arranged or designed to be occupied or which is occupied by one or more guests, but in which no provision is made for cooking and not including dormitories for sleeping purposes.

24.41 Height of Building: The vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the ceiling of the topmost story.

24.42 Home Occupation: Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Clinics, hospitals, barber shops, beauty parlors and animal hospitals shall not be deemed to be home occupations.

24.43 House Court: See Dwelling Group.

24.44 Hotel: Any building or portion thereof containing six (6) or more guest rooms used, designed, or intended to be used, let or hired out to be occupied, or which are occupied by six (6) or more individuals for compensation, whether the compensation be paid directly or indirectly.

24.45 Industry: The manufacture, fabrication, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form or character

thereof, including, in addition, the following: Animal hospitals, bottling works, building materials or contractors' yards, cleaning and dyeing establishments, creameries, dog pounds, junk yards, laundries, lumber yards, milk bottling or distributing stations, stockyards, storage elevators, truck storage, service or repair, warehouses, and whole sale storage.

24.46 Junk Yards: The use of more than two hundred (200) square feet of the area of any lot for the storage or keeping of junk, including scrap metals or other scrap materials, and/or for the dismantling or "wrecking" of automobiles or other vehicles or machinery.

24.47 Lot: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance, having not less than the minimum area required by this Ordinance for a building site in the district in which such lot is situated, and having its principal frontage on a street.

24.48 Lot, Corner: A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.

24.49 Lot, Interior: A lot other than a corner lot.

24.50 Lot, Key: The first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot, exclusive of the width of any alley, and fronting on the street which intersects or intercepts the street on which the corner lot fronts.

24.51 Lot Area: The total horizontal area included within lot lines.

24.52 Lot Depth: The average distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot.

24.53 Lot Frontage: The dimension of a lot or portion of a lot abutting on a street, except the side of a corner lot.

24.54 Lot Lines: The lines bounding a lot as defined herein.

24.55 Lot Line, Rear: Ordinarily, that line of a lot which is generally opposite the lot line along the frontage of said lot. In cases in which this definition is not applicable, the Planning Commission shall designate the rear lot line.

24.56 Non-Conforming Use: A building or land occupied by a use that does not conform to the regulations for the district in which it is situated.

24.57 One Ownership: Ownership of property (or possession thereof under a contract to purchase or under a lease the term of which is not less than ten years) by a person or persons, firm, corporation or partnership, individually, jointly, in common or in any other manner whereby such property is under single or unified control. The term "Owner" shall be deemed to mean

the person, firm, corporation or partnership exercising one ownership as herein defined.

24.58 Outdoor Advertising Sign: Any card, cloth, paper, metal, painted, glass, wooden, plaster, stone, or other sign of any kind or character whatsoever placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever. The term "placed" as used in the definitions of "outdoor advertising sign" and "outdoor advertising structure" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.

24.59 Outdoor Advertising Structure: Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, including also outdoor advertising statuary.

24.60 Saw Mill: Any structure or land used for the manufacture or remanufacture of lumber or lumber products by the use of power equipment.

24.61 Small Livestock Farming: The raising and/or keeping of more than chicken hens, turkeys or twelve pigeons or twelve similar fowl and/or twelve rabbits or twelve similar animals or any roosters, quacking ducks, geese, guinea fowl, peafowl, goats, sheep or similar livestock; or the raising and/or keeping for commercial purposes of any cats or dogs; provided that the term "small livestock farming" as used in this Ordinance shall not include hog farming, dairying or the raising and/or keeping of horses, mules, or similar livestock as determined by the Board of Supervisors.

24.62 Stable, Private: An accessory building where not more than four (4) horses are kept for the private use of the owner and guests.

24.63 Stable, Public: A stable other than a private stable for the commercial rental and boarding of horses.

24.64 Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

24.65 Story, Half: A story with at least two (2) opposite exterior sides meeting a sloping roof not more than two (2) feet above the floor of such story.

24.66 Street: A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway road and any other thoroughfare except an alley as defined herein.

24.67 Street Line: The boundary between a street and abutting property.

24.68 Structure: Anything constructed or erected, the use of which required location on the ground or attachment to something having location on the ground.

24.69 Structural Alterations: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

24.70 Surface Mining: Processes for the commercial removal of minerals from the surface of the earth.

24.71 Use: The purpose for which land or premises or a building thereon is designed, arranged or intended or for which it is or may be occupied or maintained.

24.72 Use, Accessory: A use incidental and accessory to the principal use of a lot or a building located on the same lot as the accessory use. Any agricultural use in any "R" or "A" district shall be deemed to be an accessory use to the use for residence purposes of the lot on which such agricultural use is conducted.

24.73 Yard: An open space other than a court on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward, except as otherwise provided in Section 20.14 of this Ordinance. In measuring a yard as hereinafter provided, the line of a building shall be deemed to mean a line parallel to the nearest lot line drawn through the point of a building or the point of a dwelling group nearest to such lot line, exclusive of the respective architectural features enumerated in Section of this Ordinance as not to be considered in measuring yard dimensions or as being permitted to extend into any front side or rear yard, respectively; and the measurement shall be taken from the line of the building to the nearest lot line, provided, however, that if any Official Plan Line has been established for the street on which the lot faces or if any future width line is specified therefor by the provision of this Ordinance, then such measurement shall be taken from such Official Plan Line or such future width line to the nearest line of the building.

24.74 Yard, Front: A yard extending across the front of the lot between the inner side yard lines and lying between the front line of the lot and the nearest line of the building.

24.75 Yard, Rear: A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

24.76 Yard, Side: A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

SECTION 25. INTERPRETATION

25.1 When interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements adopted for

the promotion of the public health, safety, comfort, convenience and general welfare. Except as specifically herein provided, it is not intended by the adoption of this ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance, or any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the erection, construction, establishment, moving, alteration or enlargement of any building or improvement; nor is it intended by this ordinance to interfere with or abrogate or annul any easement, covenant or other agreement between parties; provided, however, that in cases in which this ordinance imposes a greater restriction upon the erection, construction, establishment, moving, alteration or enlargement of buildings or the use of any such building or premises in said several districts or any of them, than is imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits or by such easements, covenants or agreements, then in such case the provisions of this ordinance shall control.

SECTION 26. ENFORCEMENT, PENALTIES AND LEGAL PROCEDURE

26.1 All departments, official and public employees of the County of Madera, vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance, and shall issue no permit or license for uses, buildings, or purposes in conflict with the provisions of this ordinance; and any such permit or license issued in conflict with the provisions of this ordinance shall be null and void. It shall be the duty of the Planning Commission of the County to administer and enforce the provisions of this Ordinance.

26.2 Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this ordinance, shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than \$300.00 or by imprisonment in the County Jail of the County of Madera for a term not exceeding 160 days, or by both such fine and imprisonment. Such person, firm or corporation, shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed or continued by such person, firm or corporation and shall be punishable as herein provided.

26.3 Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provi-

alions of this ordinance, and any use of any land, building or premises established, conducted, operated or maintained contrary to the provisions of this ordinance, shall be and the same is hereby declared to be unlawful and a public nuisance; and the District Attorney of said County shall, upon order of the Board of Supervisors, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining or using any such building contrary to the provisions of this ordinance.

26.4 The remedies provided for herein shall be cumulative and not exclusive.

SECTION 27. VALIDITY

27.1 If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 28. REFERENCE

28.1 This ordinance shall be known and cited as the Zoning Ordinance of the County of Madera. Reference to section numbers herein are to the sections of this ordinance.

The foregoing Ordinance was passed by the Board of Supervisors of the County of Madera at a regular session of said Board on the 3rd day of July, 1961, by the following vote:

Supervisor Sell voted: Yes

Supervisor McCollister voted:

Yes

Supervisor Shaubach voted: Yes

Supervisor Jennings voted: Yes

Supervisor Gordon voted: Yes.

W. M. SELL, JR.

Chairman, Board of Supervisors

ATTEST:

ERMA E. CHEUVRONT

(SEAL)

Clerk

The Board of Supervisors of the County of Madera,
State of California, do ordain as follows:

SECTION 1

The purpose of this Ordinance is to provide minimum standards to safeguard life or limb, health, property, and public welfare, by regulating and controlling the structural design, construction, quality of materials, use and occupancy, and location of all buildings and structures wherever said Ordinance applies.

SECTION 2

This Ordinance shall apply to the following, to-wit:

(a) Any and all dwellings constructed upon or moved upon a lot or parcel of real property if any portion thereof is located within a distance of fifty (50) feet from any property line of said lot or parcel of real property, or within a distance of one hundred (100) feet from any dwelling or structure designed for or occupied as a human habitation; provided, however, that dwellings and tent frames in seasonal resort areas shall be exempt from the provisions of this Ordinance if occupied only between May 1 and October 15.

(b) Any and all dwellings constructed upon or moved upon any lot or parcel of real property within the boundaries of any tract of real property which has been subdivided and for which a subdivision map or a record of survey map shall have been filed and recorded in the office of the County Recorder of the County of Madera, State of California.

1 (c) Any building not subject to the provisions of this
2 Ordinance may be inspected and any person may receive any of the
3 benefits of this Ordinance by applying for a permit and paying
4 the fees as specified herein.

5 SECTION 3

6 In addition to the provisions specified and set forth in
7 Section 2 of this Ordinance, the provisions of Chapter 2 of Part
8 3 of Division 13 of the Health and Safety Code of California,
9 commonly known as the Riley Act, shall apply to and shall be en-
10 forced in the unincorporated areas of the County of Madera by the
11 Building Official.

12 SECTION 4

13 Three copies of the Code of rules and regulations known as
14 the Uniform Building Code Short Form, 1958 Edition, prepared and
15 published by the International Conference of Building Officials
16 herein referred to as said Building Code, having been filed in the
17 office of the Clerk of the County of Madera, the same is hereby
18 designated and adopted by reference as the Building Code of the
19 County of Madera.

20 SECTION 5

21 Unless the provisions or context otherwise requires the
22 following definitions shall govern the construction of this
23 Ordinance:

- 24 1. "City of..." means the unincorporated territory of the
25 County of Madera.
- 26 2. "City Council" means the Board of Supervisors of the
27 County of Madera.
- 28 3. "Mayor" means the Chairman of the Board of Supervisors
29 of the County of Madera.
- 30 4. "Building Official" means the Director of Planning of
31 the County of Madera.
- 32 5. "Administrative Authority" means the Planning Department
of the County of Madera; provided, however, that insofar
as said administrative authority is used in Chapter 11
of that certain Plumbing Code referred to and incorporated
in Section 13 of this Ordinance, the same shall refer to
and mean the Health Department of the County of Madera.
6. "Building Department" means the Planning Department of
the County of Madera.

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SECTION 6

The following sections of said Building Code are hereby deleted and of no effect insofar as this Ordinance is concerned:

- Section 101
- Section 102
- Section 103
- Section 104
- Section 203

SECTION 7

Section 105 of the said Building Code, insofar as this Ordinance is concerned, is hereby modified to read as follows:

The provisions of this Code are not intended to prevent the use of any material or method of construction not specifically prescribed by this Building Code, provided any such alternate has been approved by the Building Official. The Building Official may approve any such alternate, provided he finds that the proposed structural design is satisfactory and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that provided in this Code in quality, strength, effectiveness, fire resistance, durability and safety. The Building Official may require that sufficient evidence be submitted to substantiate any claims that may be made regarding its use.

SECTION 8

In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this Code, there shall be and is hereby created a Board of Appeals, consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction. The Building Official shall be an ex-officio member and shall act as secretary of the Board. The Board of Appeals shall be appointed by the Board of Supervisors and shall hold office at its pleasure. The Board of Appeals shall adopt reasonable rules and regula-

1 tions for conducting its investigations and shall render all
2 decisions and findings in writing to the Building Official with
3 a duplicate copy to the appellant and may recommend to the
4 Board of Supervisors such new legislation as is consistent
5 therewith.

6 SECTION 9

7 Section 301 of the said Building Code, insofar as this
8 Ordinance is concerned, is hereby modified to read as follows:

9 (a) Permits Required - No person, firm, or corporation
10 shall erect, construct, enlarge, alter, repair, move, improve,
11 remove, or convert any dwelling wherever this code applies, or
12 cause the same to be done without first obtaining a separate
13 building permit for each such structure from the Building
14 Official.

15 (b) Application - To obtain a permit, the applicant
16 shall first file an application therefor in writing on a form
17 furnished for that purpose. Every such application shall:

- 18 1. Identify and describe the work to be covered by
19 the permit for which application is made.
- 20 2. Describe the land on which the proposed work is
21 to be done.
- 22 3. Be accompanied by a sketch plan or one set of plans
23 and specifications as required by the Building
24 Official.
- 25 4. State the valuation of the proposed work.
- 26 5. Be signed by permittee or his authorized agent.
- 27 6. Give such other information as may be reasonably
28 required by the Building Official.

29 (c) Permittee shall notify Building Official if work
30 is to be suspended for an extended period. The Building
31 Official shall also be notified when work is resumed.

32 SECTION 10

Section 302 of the said Building Code, insofar as this
Ordinance is concerned, is hereby modified to read as follows:

1 (a) Issuance. The application, plans, and specifica-
2 tions filed by an applicant for a permit shall be checked by the
3 Building Official. If the Building Official is satisfied that
4 the work described in an application for permit and the plans
5 filed therewith, conform to the requirements of this Code and
6 other pertinent laws and ordinances, and that the fee specified
7 in Section 11 has been paid, he shall issue a permit therefor
8 to the applicant. All work shall be done in accordance with
9 the approved plan.

10 (b) Retention of Plans. The approved sketch, plans,
11 specifications and computations shall be retained by the Building
12 Official for not less than sixty (60) days after completion
13 of the work covered therein.

14 (c) Validity. The issuance or granting of a permit or
15 approval of plans and specifications shall not be construed to
16 be a permit for, or an approval of, any violation of any of the
17 provisions of this Code. No permit presuming to give authority
18 to violate or cancel the provisions of this Code shall be valid,
19 except insofar as the work or use which it authorized is lawful.

20 SECTION 11

21 Section 303 of the said Building Code, insofar as this
22 Ordinance is concerned, is hereby modified to read as follows:

23 No permit shall be required for the construction,
24 erection, enlargement, alteration, repair, moving, removal, or
25 conversion of any dwelling structure where the value of said
26 work is less than \$250.00. On all other construction subject
27 to the provisions of this Code the following fees shall be
28 charged for each permit.

				<u>Per \$1,000.00</u>
29	\$ 251.00	valuation to \$ 1,000.00	Valuation	5.00
30	\$ 1,001.00	" to \$15,000.00	"	2.50
31	\$15,001.00	" to \$50,000.00	"	1.50
32	\$50,001.00	" and over	"	.50

1 Cost of plumbing and electrical work shall be included in the
2 total valuation when it is done in conjunction with construction.
3 If separate plumbing or electrical permits are desired, a fee
4 of \$2.00 shall be charged for each permit.

5 For the purpose of this Ordinance the valuation as
6 specified in Section 11 shall be determined as follows:

7 \$7.50 per square foot for a complete house or
8 additions with plumbing.

9 \$5.00 per square foot for additions or accessory
buildings without plumbing.

10 Any building, subject to the provisions of this Ordinance, which
11 is moved from one location to another shall be inspected by the
12 Building Official before being moved.

13 SECTION 12

14 Section 304 of the said Building Code, insofar as this
15 Ordinance is concerned, is hereby modified to read as follows:

16 (a) All construction of work for which a permit is
17 required shall be subject to inspection by the Building Official.

18 (b) Work requiring a building permit shall not be
19 commenced until the permit holder or his agent shall have posted
20 an inspection record card in a conspicuous place on the front
21 premises and in such position as to allow entries thereon
22 regarding inspection of the work. This card shall be maintained
23 in such position by the permit holder until the completion of
24 the job.

25 (c) No work shall be done on any part of the building
26 or structure beyond the point indicated in each successive
27 inspection without first obtaining the written approval of the
28 Building Inspector. Such written approval shall be given only
29 after an inspection shall have been made of each successive
30 step in the construction as indicated by each of the inspections
31 required in Subsection (d). A survey of the lot may be required
32 by the Building Inspector to verify compliance of the structure

1 with approved plans. There shall be a final inspection and
2 approval on all buildings when completed.

3 (d) No reinforcing steel or structural framework of
4 any part whatever shall be covered or concealed without the
5 approval of the Building Inspector first being obtained.

6 (e) The Building Inspector, upon notification from the
7 permit holder or his agent, shall make the following inspections
8 and shall either approve that portion of the construction as
9 completed or shall notify the permit holder or his agent in
10 writing wherein the same fails to comply with the law.

11 A. FOUNDATION INSPECTION: To be made after trenches
12 are excavated and forms erected.

13 B. FRAME INSPECTION: To be made after the roof, all
14 framing, fire-blocking, and bracing are in place, and all pipes,
15 chimneys, and vents and all rough plumbing and rough wiring are
16 complete.

17 C. LATH INSPECTION: To be made after all lathing
18 interior and exterior is in place, and before any plaster is
19 applied.

20 D. FINAL INSPECTION: To be made after building is
21 completed and ready for occupancy.

22 The Building Inspector shall make inspections not more
23 than 72 hours after receipt of notification, Saturday, Sunday,
24 and holidays excepted. If inspection is not made within the 72
25 hour period, permittee may proceed with construction without
26 delay.

27 SECTION 13

28 Three copies of the Code of rules and regulations known
29 as the Uniform Plumbing Code, 1958 Edition, prepared and pub-
30 lished by Western Plumbing Officials Association, as adopted
31 October, 1954, herein referred to as said Plumbing Code, having
32 been filed in the office of the Clerk of the County of Madera,

1 the same is hereby designated and adopted by reference as the
2 Plumbing Code for the unincorporated area of the County of
3 Madera, State of California.

4 SECTION 14

5 The following sections or portions of sections of said
6 Plumbing Code are hereby deleted and of no effect insofar as
7 this Ordinance is concerned:

8 First Paragraph of Section 1.7.

9 Sections 1.10 and 1.12.

10 Sections 2.1 to 2.11, inclusive (Part Two).

11 SECTION 15

12 Section 1.1 of said Plumbing Code, insofar as this
13 Ordinance is concerned, is hereby deleted.

14 SECTION 16

15 Section 1.2 of said Plumbing Code, insofar as this
16 Ordinance is concerned, is hereby modified to read as follows;

17 Whenever the term "assistants" is used in this Code
18 it shall be construed to mean the duly appointed and qualified
19 assistants to the Building Official.

20 SECTION 17

21 Section 1.3 of said Plumbing Code, insofar as this
22 Ordinance is concerned, is hereby deleted.

23 SECTION 18

24 Chapter 11 of said Plumbing Code shall be in effect and
25 applicable to any and all buildings in the unincorporated
26 territory of the County of Madera until the effective date of
27 a Sanitary Ordinance establishing the same or similar regulation
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1 with respect to said building

2 SECTION 19

3 Section 1111 of said Chapter 11 is hereby amended by
4 adding thereto the following:

5 No house sewer or private disposal system as provided
6 for in this chapter may hereafter be installed, altered,
7 covered or considered complete until a permit therefor shall
8 have been issued by the Health Officer of the County of Madera
9 and the same inspected and approved by him.

10 SECTION 20

11 Three copies of the code of rules and regulations
12 known as the Uniform Electrical Code, 1956 Edition, prepared
13 and published by the Pacific Coast Electrical Bureau, herein
14 referred to as said Electrical Code, having been filed in the
15 office of the Clerk of the County of Madera, the same is hereby
16 designated and adopted by reference as the Electrical Code of
17 the County of Madera.

18 SECTION 21

19 The term "Chief Electrical Inspector" as used in the
20 said Electrical Code shall mean the Building Official of the
21 County of Madera.

22 SECTION 22

23 The following sections of said Electrical Code are
24 hereby deleted and of no effect insofar as this Ordinance is
25 concerned:

26 Section 3
27 Section 10
28 Section 11
29 Section 13
30 Section 14

31 SECTION 23

32 Section 6, Subdivision B, of said Electrical Code,
insofar as this Ordinance is concerned, is hereby modified
to read as follows:

1 Residential: The requirements of the National Electrical
2 Code shall apply to all residential installations included
3 within the provisions of this Ordinance with the added require-
4 ments that single family dwellings of 900 square feet and over
5 in area, exclusive of unoccupied cellars, unfinished attics,
6 garages and open porches shall:

7 (a) Have a service entrance of three (3) conductors not
8 smaller than No. 2 AWG copper or equivalent in a raceway of a
9 size conforming to Table 4 of the National Electrical Code, or
10 a three (3) conductor service entrance cable of equivalent
11 capacity.

12 (b) Have a distribution panel with 100 ampere bus and
13 provisions for two (2) 50 ampere double pole and eight (8)
14 single pole branch circuit breakers. In lieu of a main switch,
15 distribution panel may be provided with a split bus arrangement
16 with a 50 ampere double pole breaker as a sub-feed for single
17 pole breakers.

18 SECTION 24

19 No licensing or other requirement or qualification shall
20 be required of any person to do or perform any work of any kind
21 referred to in this Ordinance and it shall be sufficient that
22 the work itself meets the requirements of this Ordinance irre-
23 spective of the person who may have performed the same.

24 SECTION 25

25 It shall be unlawful for any person, firm, co-partner-
26 ship, association, or corporation to construct any building or
27 structure or cause the same to be done contrary to or in
28 violation of any of the provisions of this Ordinance, and any
29 person, firm, co-partnership, association or corporation violating
30 any of the provisions of this Ordinance shall be guilty of a
31 misdemeanor, and each such person, firm, co-partnership, asso-
32 ciation or corporation shall be deemed guilty of a separate

1 offense for each and every day or portion thereof during which
2 any violation of any provision is committed, continued or
3 permitted and upon conviction of any such violation, such person,
4 firm, co-partnership, association or corporation shall be
5 punishable by a fine of not more than five hundred dollars
6 (\$500.00) or by imprisonment in the County Jail for not exceed-
7 ing six (6) months, or by both such fine and imprisonment.

8 SECTION 26

9 The entire unincorporated area of the County of Madera is
10 hereby declared and designated as Fire Zone No. 3.

11 SECTION 27

12 If any section, subsection, sentence, clause, phrase
13 or portion of this Ordinance is for any reason held to be
14 invalid or unconstitutional by the decision of any court of
15 competent jurisdiction, such decision shall not affect the
16 validity of the remaining portion of this Ordinance. The Board
17 of Supervisors of the County of Madera hereby declares that it
18 would have adopted this Ordinance and each section, subsection,
19 sentence, clause, phrase or portion thereof, irrespective of
20 the fact that any one or more sections, subsections, sentences,
21 clauses, phrases, or portions be declared invalid or unconstitu-
22 tional.

23 SECTION 28

24 Ordinances No. 233 and 234 of the County of Madera are
25 hereby repealed.

26 SECTION 29

27 The foregoing Ordinance was passed and adopted by the
28 Board of Supervisors of the County of Madera, State of California
29 on the 2nd day of March, 1960,
30 at a regular meeting of said Board, duly and regularly convened
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on said day by the following vote:

Supervisor Ridgeway voted: *yes*
Supervisor Christoffersen voted: *yes*
Supervisor Gordon voted: *yes*
Supervisor Clark voted: *yes*
Supervisor Norby voted: *yes*

Paul Christoffersen

Chairman, Board of Supervisors

ATTEST:

Emma E. Kussner

County Clerk of the County of
Madera and Ex-Officio Clerk of
the Board of Supervisors

ORDINANCE NO. 249

AN ORDINANCE TO PROVIDE
MINIMUM STANDARDS FOR BUILDING

FILED
MARCH 2, 1960
ERMA E. CHEUVRONT

CLERK

BY Carla Poyalle
DEPUTY

MADERA COUNTY, CALIFORNIA^①

BUILDING PERMITS FOR DWELLINGS AND VALUE

<u>1957</u>	<u>permits</u>	<u>VALUE</u>	<u>1958</u>	<u>permits</u>	<u>VALUE</u>
⑤ JULY-AUGUST	22	232,600.②	JANUARY	10	85,500.
SEPTEMBER	19	125,500.	FEBRUARY	4	27,500.
OCTOBER	23	197,497.	MARCH	9	57,300.
NOVEMBER	6	37,000.	APRIL	6	38,800.
DECEMBER	6	46,300.	MAY	12	81,000.
			JUNE	25	167,000.
			JULY	21	181,000.
			AUGUST	11	69,950.
			SEPTEMBER	9	63,900.
			OCTOBER	10	68,500.
			NOVEMBER	23	129,500.
			DECEMBER	11	46,100.

<u>1959</u>	<u>permits</u>	<u>VALUE</u>	<u>1960</u>	<u>permits</u>	<u>value</u>
JANUARY	16	101,200.	JANUARY	8	83,500.
FEBRUARY	5	29,000.	FEBRUARY	6	58,060.
MARCH	21	140,400.	MARCH	12	162,745.④
APRIL	14	98,000.	APRIL	11	83,150.
MAY	14	97,500.	MAY	18	108,683.
JUNE	14	101,600.			
JULY	12	53,095.			
AUGUST	22	128,740.			
SEPTEMBER	14	61,200.			
OCTOBER	33	338,800.③			
NOVEMBER	21	144,300.			
DECEMBER	8	82,575.			

<u>TOTALS</u>				<u>CITY OF MADERA</u>		
		<u>PERMITS</u>	<u>VALUE</u>	<u>JUNE-JUNE</u>	<u>DWELLINGS</u>	<u>VALUE</u>
1957	5 mos.	76	\$ 638,897.	1954-55	173	1,333,000.
1958	12 mos.	141	1,016,050.	1955-56	108	778,500.
1959	12 mos.	194	1,376,410.	1956-57	76	838,984.
1960	5 mos.	55	496,138.	1957-58	100	1,198,900.
				1958-59	107	1,283,364.
				1959-60	EST. 80	EST. 750,000.

FOOTNOTES:

- (1) DOES NOT INCLUDE CITY OF MADERA (SEE BELOW), OR CITY OF CHOWCHILLA (PROBABLY 10-15 PERMITS/YEAR).
- (2) INCLUDES A LARGE RANCH HOME WITH GUEST FACILITIES-VALUE \$125,000.
- (3) INCLUDES 18 HOMES BUILT AT MADERA AIR BASE.
- (4) FIRST MONTH OF "NEW" BUILDING CODE.
- (5) ORIGINAL BUILDING CODE IN EFFECT JULY 28, 1957, PRIOR TO THAT NO CODE.

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RESOLUTION NO. 86-312

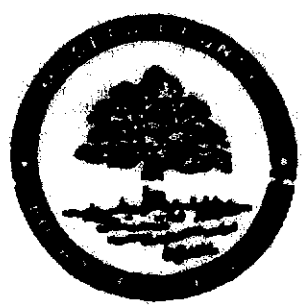
WHEREAS, Government Code § 65102 authorizes this Board to establish procedural rules for the Madera County Planning Commission; and

WHEREAS, the document entitled "Rules of Order of the Madera County Planning Commission", attached hereto as Exhibit A, were reviewed by the Madera County Planning Commission at its regular meeting on September 3, 1986.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Madera that the "Rules of Order of the Madera County Planning Commission" are hereby adopted.

The foregoing Resolution was adopted this 16th day of September, 1986, by the following vote:

Supervisor Kennedy voted:	<u>Yes</u>
Supervisor Ginsburg voted:	<u>Yes</u>
Supervisor Hanhart McIntyre voted:	<u>Yes</u>
Supervisor Lopez voted:	<u>Yes</u>
Supervisor Darnell voted:	<u>Yes</u>



Don Darnell
Chairman
Board of Supervisors

ATTEST:
Wanda Briddle
Clerk, Board of Supervisors

**RULES OF ORDER
OF THE
MADERA COUNTY PLANNING COMMISSION**

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RULES OF ORDER
OF THE
MADERA COUNTY PLANNING COMMISSION

1. Authority. These rules are authorized by Government Code § 65102 and shall apply to all meetings and proceedings of the Madera County Planning Commission.
2. Membership. As provided in Chapter 2.42 of the Madera County Code, the commission shall consist of five commissioners appointed by the board of supervisors.

- a. Appointment. The commission shall consist of five commissioners appointed by the board of supervisors. Each member of the board of supervisors shall recommend to the board one resident of his or her district for appointment by the board to the commission. Any change of residence by a commissioner after appointment shall not affect the commissioner's ability to serve.

- b. Term of Office. Each commissioner shall serve at the pleasure of the board of supervisors and, subject to the foregoing, shall hold office for a term of four years and until the appointment and qualification of his or her successor. The terms of the commissioners in office on the effective date of the applicable ordinance shall be as follows:

<u>Supervisorial District Number</u>	<u>Term Expires</u>
1	June 30, 1987
2	June 30, 1987
3	June 30, 1989
4	June 30, 1989
5	June 30, 1987

- c. Removal from office. A commissioner may be removed only upon the recommendation of the member of the board of supervisors who recommended his or her appointment and the affirmative vote of a majority of the board of supervisors.

- d. Vacancies. Any vacancy occurring on the commission shall be filled by appointment by the board of supervisors, as provided in 2(a) above, for the remainder of the unexpired term.

3. Officers and Staff. The commission shall have the following officers:

- a. Chairman. The commission shall have a chairman.

- (1) Election. At the first regular meeting of the County's fiscal year, a chairman shall be elected from among the members of the commission by a majority vote of its members.
- (2) Term of Office. The chairman shall hold office for one year and until the election and qualification of his or her successor.
- (3) Duties. The chairman is the presiding officer of the commission and, as such, shall have the following duties:
 - (A) Convene the meeting and call the commission to order at the time at which the commission is to meet, when a quorum is present, or when there is no prospect of there being a quorum.
 - (B) Announce the business before the commission in the order in which it is to be acted upon.
 - (C) Conduct public hearings as provided herein.
 - (D) State and put to vote all motions which are regularly made, or necessarily arise in the course of the meeting, and announce the result of the vote.
 - (E) Expedite business in every way compatible with the lawful conducting of commission business.
 - (F) Enforce on all occasions the observance of order and decorum among the members of the commission and the public.
 - (G) Decide all questions of order and procedure, subject, however, to an appeal to the commission as a whole. In the event of an appeal, the decision of the majority of the members of the commission present at the meeting shall determine questions of order.
 - (H) Inform the members of the commission, when necessary, or when referred to for the purpose, on a point of order or practice pertinent to pending business.
- (4) Voting. The chairman shall vote on all questions, except as otherwise provided herein.

b. Chairman Pro Tem. The commission shall have a chairman pro tem who shall be elected in the same manner, at the same time and for the same term as the chairman. In the absence of the chairman, the chairman pro tem shall have and perform all powers and duties of the chairman.

c. Executive Officer. The Planning Director, or his or her designee, shall be the executive officer of the commission.

(1) Duties. The duties of the executive officer are to:

(A) Prepare and submit a report on each item of business before the commission, with a recommendation on each question relative to the item.

(B) With the assistance of the secretary, provide notice of all meetings as required by law.

(C) Request the attendance of County officers or employees at meetings of the commission to respond to questions raised by the commission or produce evidence relative to an item of business before the commission.

(D) Attend each meeting of the commission and give an oral presentation on each item of business before the commission and respond to questions raised by members of the commission.

(E) With the assistance of the secretary, prepare, keep and maintain the files, minutes, findings, resolutions, orders and all other documents relative to items of business which are, or have been, before the commission.

d. Secretary. The Planning Director shall appoint a member of his or her staff to be secretary of the commission.

(1) Duties. The duties of the secretary are to:

(A) With the assistance of the executive officer, provide notice of all meetings as required by law.

- (B) With the assistance of the executive officer, prepare, keep and maintain the files, minutes, findings, resolutions, orders and all other documents and papers relative to items of business which are, or have been, before the commission.
 - (C) Attend each meeting of the commission and record, either manually or mechanically, each item of business before the commission.
- e. Counsel. The County Counsel, or his or her designee, shall be counsel to the commission.
- (1) Duties. The duties of the counsel are to:
 - (A) Provide legal counsel on all substantive or procedural legal questions on each item of business before the commission and on land use and planning matters in general.
 - (B) Act as parliamentarian.

4. Meetings.

- a. Regular Meetings. Unless otherwise designated in the notice of meetings, all regular meetings of the commission shall be held at 7:30 P.M. on the first Tuesday of each month in the Auditorium located in the Madera County Government Center, 209 West Yosemite Avenue, Madera, California
- b. Special Meetings. A special meeting may be called at any time by the chairman of the commission, or by a majority of the members of the commission, by delivering personally or by mail written notice to each member of the commission and to each local newspaper of general circulation, radio or television station requesting notice in writing. The notice shall be delivered personally or by mail and shall be received at least 24 hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the commission. Written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the executive officer of the commission a written waiver of notice. The waiver may be given by

telegram. Written notice may also be dispensed with as to any member of the commission who is actually present at the meeting at the time it convenes. Notice shall be required pursuant to this section regardless of whether any action is taken at the special meeting.

c. Rules Applicable to Both Regular and Special Meetings.

- (1) Meetings Open and Public. All meetings of the commission shall be open and public, and all persons shall be permitted to attend any meeting of the commission, except as otherwise provided in paragraph (2) below.
- (2) Authorization to Clear Room. In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of the meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the commission may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend such a session.
 - (A) Readmittance. The commission may readmit an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting, as follows:
 - (i) As the Chairman calls each item of business to be considered by the Commission, the applicant or owner, and those persons who wish to participate in the public hearing on the item, may be admitted for the public hearing on the item.
- (3) Adjournment. The commission may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members of the commission are absent from any regular or adjourned regular meeting the executive officer may declare the meeting adjourned to a stated time and place

and he or she shall cause a written notice of the adjournment to be given in the same manner as provided for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this paragraph, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

5. Meetings Procedure.

- a. Determination of Quorum. A quorum of the commission shall consist of three members of the commission.
- b. Calling the Commission to Order. When a quorum is present or when there is no prospect of there being a quorum, the chairman shall convene the meeting and call the commission to order.
 - (1) Temporary Chairman. In the absence of the chairman and the chairman pro tem, the executive officer shall convene the meeting and call the commission to order, whereupon a temporary chairman shall be elected by the members of the commission present. The temporary chairman shall relinquish the chair upon arrival of the chairman or chairman pro tem and after the conclusion of the item of business then being considered.
- c. Order of Business.
 - (1) Quorum Not Present. The only business that may be transacted in the absence of a quorum is to take measures to obtain a quorum, to fix the time to which to adjourn, to adjourn, or to take a recess.
 - (2) Quorum Present. When a quorum is present, business shall be conducted in the following order:
 - (A) Reading, or waiver of reading, and approval of minutes of the previous meeting;

(B) Public hearings on agenda items, which shall be conducted in the following order:

- (i) The chairman shall call the item.
- (ii) The executive officer shall present his or her report and recommendation.
- (iii) Members of the commission may ask the executive officer questions about the item.
- (iv) Persons supporting the item may speak and/or introduce evidence.
- (v) Persons opposing the item may speak and/or introduce evidence.
- (vi) Persons supporting the item may rebut opposition testimony or evidence.
- (vii) The item is submitted to the commission for discussion and decision.

(C) Presentation of executive officer's report.

d. Miscellaneous.

- (1) Limiting Time. The commission may reasonably limit the amount of time allotted to any speaker or party. Whenever any group of persons wishes to address the commission, the commission may require that the group designate a spokesman to represent the group before the commission.
- (2) Addressing the Commission. Persons addressing the commission shall first state their name. Statements made to the commission shall be relevant to the item of business pending before the commission.
- (3) Continuances. The commission may, on motion and regular vote, continue any item of business for up to seventy days to any subsequent meeting of the commission in the manner and to the same extent for the adjournment of meetings.

6. Voting.

a. Procedure.

(1) Call for a Motion. Upon the conclusion of the discussion among the members of the commission on an item of business requiring a vote, the chairman shall call for a motion. A motion must be seconded before the chairman may put it to a vote of the members of the commission. If, after a reasonable time, a motion is not seconded, the motion shall die for lack of a second, and the chairman shall call for a new motion.

(A) Chairman Ineligible to Move or Second. The Chairman shall neither make a motion nor second a motion.

(2) Putting the Motion to Vote. When a motion has been made and seconded, the chairman shall then state the motion and put it to a vote. The chairman shall first ask those members in favor of the motion to give their vote by voice. The chairman shall next ask those members against the motion to give their vote by voice.

(A) Roll Call Vote. Upon the request of any member of the commission, the chairman shall call for a roll call vote. Whenever a roll call vote is requested, the executive officer shall call the names of the members of the commission in alphabetical order, excluding the chairman, who shall be called last.

(B) Required Vote to Act. The commission shall not approve any item of business except upon the vote of at least three members of the commission. The vote and disposition of an item is as follows:

(i) Five Members Voting.

Motion to Approve

Motion to Deny

<u>Vote</u>	<u>Item is:</u>	<u>Vote</u>	<u>Item is:</u>
5-0	Approved	5-0	Denied
4-1	Approved	4-1	Denied
3-2	Approved	3-2	Denied
2-3	Denied	2-3	New Motion Required

(ii) Four Members Voting.

<u>Motion to Approve</u>		<u>Motion to Deny</u>	
<u>Vote</u>	<u>Item is:</u>	<u>Vote</u>	<u>Item is:</u>
4-0	Approved	4-0	Denied
3-1	Approved	3-1	Denied
2-2	Denied	2-2	Denied

(iii) Three Members Voting.

<u>Motion to Approve</u>		<u>Motion to Deny</u>	
<u>Vote</u>	<u>Item is:</u>	<u>Vote</u>	<u>Item is:</u>
3-0	Approved	3-0	Denied
2-1	Denied	2-1	Denied

(C) Conflict of Interest. No member of the commission shall make, participate in making, vote upon, or use his or her official position to influence the making of any decision of the commission in which the commissioner has a conflict of interest, as defined under the common law and under the Political Reform Act of 1974. When a member of the commission determines that a conflict of interest exists, he or she shall declare that a conflict of interest exists, disclose the nature of the conflict and excuse himself or herself from the meeting immediately following the announcement of the item of business by the chairman.

(1) Effect on Voting. When a member of the commission declares that a conflict of interest exists, he or she shall not be a voting member of the commission for the item of business.

(3) Announcing the Vote. When the vote has been taken so that the chair has no doubt as to the result, the chairman shall announce whether the motion and application are approved, or the motion and application are denied, or whether a new motion is required.

- (A) Change of Vote. A member of the commission may change his or her vote up to the time the vote is finally announced. After the vote is finally announced, a member of the commission may change his or her vote if no other member of the commission objects when the chairman inquires if any member objects. If objection is made, a motion may be made to grant the permission.
- (B) Effect of Denial. Except where an applicant re-applies as provided by Title 18 of the Madera County Code, no item of business that has been denied shall be reconsidered for a period of one year.
- (i) Exception for Error or Mistake. An item of business that has been denied may be reconsidered within one year following its denial if, following a motion and second, three members of the commission vote in favor of reconsideration and find that there was either error in the original proceeding which affected the decision of the commission or there was a mistake or misunderstanding of law or fact which affected the decision of the commission.
- (ii) Exception for Denial Without Prejudice. A member of the commission may make a motion to deny an application without prejudice. Such a motion is proper when it is apparent that the item of business was prematurely brought before the commission for its consideration. If the motion is seconded and regularly approved, the item of business may be resubmitted by the applicant within one year of the date of the decision .
- (iii) Items of Business Submitted To The Board of Supervisors. Notwithstanding paragraphs (i) and (ii), the commission shall not reconsider any item of business which has been submitted to the board of supervi-

sors, either on appeal or otherwise, for consideration. This subsection does not apply when the Board of Supervisors refers an item of business back to the commission.

7. Miscellaneous.

- a. Amendments. These rules and procedures may be amended from time to time, in a manner provided by law.
- b. Rules of Order. All meetings and proceedings of the commission are governed by these rules and procedures and, where not inconsistent, by Robert's Rules of Order.
- c. Failure to Follow Rules and Procedures. Failure of the commission to comply with these rules and regulations shall not invalidate or otherwise affect any action or decision of the commission.

MADERA COUNTY PLANNING COMMISSION

