

ORDINANCE NO. 1830 -C.S.

AN ORDINANCE AMENDING SECTION MAP 8-4-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (Gene Herron and Al Sarina)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 8-4-9 of the Zoning
Map is hereby amended to reclassify the following-described property
from Low Density Residential Zone, R-1 to
Planned-Development Zone, P-D (221) :

A portion of Section 8, Township 4 South, Range 9 East, Mount Diablo Base
and Meridian, in the County of Stanislaus, State of California, more
particularly described as follows:

COMMENCING at a point along the East line of said Section 8 distant thereon
North 0°02'00" East, 1465.00 feet from the Southeast corner of said Section 8,
said point also being a point along the center line of Crows Landing Road; thence
North 89°20'00" West along a line parallel with and distant 150.00 feet
Northerly, measured at right angles, from the North line of the South one
half of the Southeast one quarter of said Section 8, a distance of 660.00 feet
to the intersection with the Southerly prolongation of the Westerly line of the
property conveyed to Industrial Fire Protection District by Deed recorded in
Volume 3031 of Official Records at Page 646, Stanislaus County Records, and
the point of beginning; thence along said Southerly prolonged line and along
said Westerly line, a distance of 510.00 feet to the intersection with the
Northerly line of that certain parcel of land conveyed to Richard G. Herron,
et al, by Deed recorded in Volume 3032 of Official Records at Page 68, Stanislaus
County Records; thence North 89°20'00" West along said Northerly line, a distance
of 559.30 feet to the Southeast corner of that certain parcel of land conveyed
to Alfred T. Sarina, et al, by Deed recorded in Volume 3036 of Official Records
at Page 212, Stanislaus County Records; thence North 0°03'30" East along the
East line of said Lands of Sarina and its Northerly prolongation thereof a
distance of 204.68 feet to the intersection with the centerline of Imperial
Avenue, as shown on that certain map of the Frazier Home Tract, recorded in
Volume 14 of Maps, at Page 46, Stanislaus County Records; thence North 89°14'00"
West along said center line, a distance of 60.00 feet to the intersection with the
Northerly prolongation of the West line of said Lands of Sarina; thence
South 0°03'30" West along said prolonged line and along said West line, a distance
of 204.69 feet, to the intersection with the Northerly line of the
aforementioned Lands of Richard G. Herron; thence along North 89°20'00" West
along said North line, a distance of 747.90 feet to the Northwest corner of said
Lands of Herron; thence South 0°13'00" West along the West line of the Lands
of Herron and along the East line of the Rutherford Tract as shown on that certain
map recorded in Volume 16 of Maps, at Page 37, Stanislaus County Records; a
distance of 660.00 feet to the Southeast corner of said Rutherford Tract as shown
on said map said corner also being the Southwest corner of said Lands of
Herron; thence South 89°20'00" East 1369.60 feet to a point on the North line
of the South one half of the Southeast one quarter of said Section 8; thence
North 0°02'00" West 150 feet to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(221) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

135 zero lot line single-family houses.

SECTION 3. ZONING MAP. Section Map 8-4-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 1979, by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Muratore, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

APPROVED:


PEGGY MENSINGER, Mayor

ATTEST:



NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and
Community Development

Ord. No. 1830-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1979, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore,
Siefkin, Acting Mayor Kullijian

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED

Harry P. Kullijian

HARRY P. KULLIJIAN, Acting Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 21, 1979

Ordinance 1830 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

AN ORDINANCE ADOPTING A SPECIFIC PLAN FOR ROSELLE AVENUE BETWEEN BRIGGSMORE AVENUE AND FLOYD AVENUE.

The Council of the City of Modesto does ordain as follows:

SECTION 1. NECESSITY FOR ESTABLISHMENT OF RIGHT-OF-WAY FOR ROSELLE AVENUE BETWEEN BRIGGSMORE AVENUE AND FLOYD AVENUE. Roselle Avenue exists as a partially developed street between Floyd Avenue and Claribel Road and the Modesto Urban Area General Plan designates Roselle Avenue and the southerly extension thereof between Floyd Avenue and Briggsmore Avenue as a major street. The Orchard General Plan Neighborhood located west of, and adjacent to, the southerly extension of Roselle Avenue between Floyd Avenue and Briggsmore Avenue has been annexed to the City of Modesto. In order to establish an appropriate alignment for the extension of Roselle Avenue between Floyd Avenue and Briggsmore Avenue and to protect the future right-of-way from encroachment by new construction, it is desirable and necessary for the City of Modesto to adopt a specific plan for Roselle Avenue between Floyd Avenue and Briggsmore Avenue.

SECTION 2. ADOPTION OF SPECIFIC PLAN. That certain specific plan for the right-of-way of Roselle Avenue between Briggsmore Avenue and Floyd Avenue titled "Specific Plan Line, Roselle Avenue, Briggsmore Avenue to Floyd Avenue", dated February 1979, is hereby adopted. Copies of said specific plan are on file in the offices of the City Clerk and the Director of Public Works, and by this reference made a part hereof as though set forth in full herein.

SECTION 3. DESCRIPTION OF RIGHT-OF-WAY. The right-of-way of Roselle Avenue between Briggsmore Avenue and Floyd Avenue is described on the attached Exhibit "A", and by this reference made a part hereof as though set forth in full herein.

SECTION 4. USE OF BUILDING LINE SETBACKS. Within the right-of-way adopted by this ordinance, it shall be unlawful to erect buildings of any kind, or to erect any structure, including, but not confined to, advertising structures or solid walls; or to establish any well, whether for water, oil or other hydrocarbon products, or to make excavations or install any subsurface structure except those subsurface structures permitted by the Building Code; provided such prohibition shall not apply to trees, agricultural crops, open fences, or public utilities installed under authority of law, or any buildings, structure, well, excavation or subsurface structure existing on the effective date of this ordinance, or to signs, canopies or marquees permitted by the Municipal Code.

SECTION 5. FRONT YARD AND SIDE YARD SETBACKS. Front yard and side yard setbacks shall be observed for new construction adjacent to the right-of-way of Roselle Avenue between Briggsmore Avenue and Floyd Avenue as adopted by this ordinance, in accordance with the requirements of the zoning classification to which the property is located. Front yards shall be measured in accordance with Section 10-2.1608 of the Modesto Municipal Code.

SECTION 6. VARIANCES. When practical difficulties, unnecessary hardships, or results inconsistent with the general purpose of this ordinance result through the strict and literal interpretation and enforcement of the provisions hereof, the Board of Zoning Adjustment shall have authority, as an administrative act, subject to the provisions of this ordinance, to grant, upon such conditions as it may determine, such variances from the provisions of this ordinance as may be in harmony with its general purpose and intent, so that the spirit of this ordinance shall be observed, public safety and welfare secured and substantial justice done.

SECTION 7. SEVERABILITY. If any section, subsection, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance; it being hereby expressly declared that this ordinance, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 8. VIOLATIONS AND PENALTIES. Any person, firm, association or corporation who, either as principal, owner, agent, servant or employee violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding One Thousand and no/100ths (\$1,000.00) Dollars, or by imprisonment in the County Jail of Stanislaus County, California, for a period not exceeding one year, or by both such fine and imprisonment.

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a separate offense for each day or portion thereof during which such violation continues and shall be punishable therefor as herein provided.

The imposition of one penalty for any violation of this ordinance shall not excuse the violation, or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time.

SECTION 9. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 10. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1979, by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: **Bright, Elliott, Lang, Muratore, Siefkin, Acting Mayor Kullijian**

NOES: Councilmembers: **None**

ABSENT: Councilmembers: **Mayor Mensinger**

APPROVED: *Harry T. Kullijian*

~~REGGY MENSINGER, Mayor~~
HARRY T. KULLIJIAN, Acting Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Paul Campbell*
Public Works Department

ROSELLE AVENUE PLAN LINE
BRIGGSMORE AVENUE TO FLOYD AVENUE

Begin at the corner common to Sections 13, 14, 23, and 24, Township 3 South, Range 9 East, Mount Diablo Base and Meridian; thence along the line common to Sections 13 and 14, North $1^{\circ} 04' 30''$ West, 48.17 feet; thence leaving said section line on a tangent curve concave to the West having a radius of 5000 feet, a Central Angle of $4^{\circ} 37' 23''$, through an Arc of 403.44 feet; thence North $5^{\circ} 41' 53''$ West, 216.67 feet; thence on a tangent curve concave to the East having a radius of 5000 feet, a central angle of $4^{\circ} 37' 23''$, through an Arc of 403.44 feet; thence North $1^{\circ} 04' 30''$ West, 253.17 feet to a point on the centerline of a 60 foot street known as Merle Avenue, said point being South $89^{\circ} 50' 30''$ West, 50 feet from a 2-1/4" iron pipe marking the Southeast corner of the Northeast quarter of Lot 2, O. McHenry Ranch as filed in Volume 2 of Maps at page 7, Stanislaus County Records; thence North $1^{\circ} 04' 30''$ West, 234.67 feet; thence on a tangent curve concave to the East having a radius of 5000 feet, a Central Angle of $4^{\circ} 37' 23''$, through an Arc of 403.44 feet; thence North $3^{\circ} 32' 53''$ East, 216.67 feet; thence on a tangent curve concave to the West having a radius of 5000 feet, a Central Angle of $4^{\circ} 37' 23''$, through an Arc of 403.44 feet to a point on line common to the aforementioned Sections 13 and 14; thence along said section line, North $1^{\circ} 04' 30''$ West, 1,388.48 feet to 2 inch iron pipe on the centerline of a 60 foot street known as Floyd Avenue, said point also being the Northeast corner of the Southeast quarter of the northeast quarter of the aforementioned Section 14.

Exhibit "A"

Ord. No. 1831-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of June, 1979, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyze*
NORRINE COYZE, City Clerk

EFFECTIVE DATE: July 5, 1979

ORDINANCE NO. 1832 -C.S.

AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (RAY MILLER)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 21-3-9 of the Zoning
Map is hereby amended to reclassify the following-described property
from Neighborhood Commercial Zone, C-1, and Medium Density Residential Zone, R-2, to
Planned-Development Zone, P-D (224) :

All that portion of Section 21, Township 3 South, Range 9 East, Mount Diablo
Base and Meridian, described as follows:

R-2 to P-D

All of Parcel 1 as shown on the map filed in Book 25 of Parcel Maps
at Page 72, in the Stanislaus County Records, including also the Southerly
10.00 feet of Fairmont Avenue immediately adjacent to said Parcel 1.

C-1 to P-D

All of Parcel 3 as shown on the map filed in Book 25 of Parcel Maps at
Page 72, in the Stanislaus County Records, including also the Westerly
45.00 feet of Coffee Road immediately adjacent to said Parcel 3.

SECTION 2. USES. The following uses shall be permitted in said P-D (224) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

- a. All C-1 zone uses in accordance with Article 8 of the Zoning Regulations on the easterly parcel.
- b. 11 two-story residential condominium units on the westerly parcel.

SECTION 3. ZONING MAP. Section Map 21-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1979, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Siefkin,
Acting Mayor Kullijian

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED: *Harry T. Kullijian*
~~XXXXXXXXXXXXXXXXXXXX~~
HARRY T. KULLIJIAN,
Acting Mayor

ATTEST: *Norrine Coyne*
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *William J. Nichols*
Department of Planning and
Community Development

Ord. No. 1832-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of June, 1979, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 5, 1979

Ordinance 1832 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

AN ORDINANCE AMENDING SECTION MAP 16-3-9 OF THE ZONING MAP
OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED
THEREON. (ROLAND D. LOGAN)

WHEREAS, a verified application for an amendment to Section 16-3-9
of the Zoning Map was filed by Roland D. Logan

on March 19, 1979, to reclassify from Low Density Residential
Zone, R-1, to Professional Office
Zone, P-O, the hereinafter described property, and

WHEREAS, after public hearing held on April 16, 1979, it was found
and determined by the Planning Commission that rezoning of the property as requested is
required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 79-103, adopted on April 16, 1979,
the Planning Commission recommended to the Council that the application of
Roland D. Logan

to amend Section 16-3-9 of the Zoning Map to reclassify the hereinafter described
property from Low Density Residential Zone,
R-1, to Professional Office
Zone, P-O, be approved,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. COUNCIL FINDINGS. After a public hearing held on May 22, 1979, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The property is adjoining the large McHenry Village Community Shopping Center and Medical-Professional Development, a center of activity.
2. The property under the requested P-0 zoning will provide a transition between the intensive commercial development and the residential development to the north, east, and southeast.

SECTION 2. ZONING CHANGE. Section 16-3-9 of the Zoning

Map is hereby amended to reclassify the following described property

from Low Density Residential Zone, R-1,
to Professional Office Zone, P-O :

ALL THAT PORTION of the Southeast quarter of the Southwest quarter of Section 16, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

COMMENCING at the Southwest corner of the Southeast quarter of the Southwest quarter of said Section 16 and being in the centerline of a 40-foot road known as Granger Avenue; running thence South 89° 37' East along the South line of the Southeast quarter of the Southwest quarter of said Section 16 and being in the centerline of said Granger Avenue, a distance of 150 feet to the Southeast corner of land conveyed to Edgar Landes and wife by Deed recorded April 14, 1949, as Series No. 7911; thence continue South 89° 37' East along the South line of the Southeast quarter of the Southwest quarter of said Section 16 and being in the centerline of said Granger Avenue, a distance of 13 feet to the true point of beginning of this description; thence North 0° 47' West parallel to and distant 13 feet East from the East line of the land conveyed to Landes, a distance of 140 feet; thence South 89° 37' East parallel to the South line of the Southeast quarter of the Southwest quarter of said Section, a distance of 119.85 feet; thence South 0° 52' East a distance of 140 feet to the South line of the Southeast quarter of the Southwest quarter of said Section 16 and being in the centerline of said Granger Avenue; thence North 89° 37' West along last mentioned line, a distance of 120 feet, more or less, to the true point of beginning.

INCLUDING also the Westerly 25 feet of Honeysuckle Drive immediately adjacent to the East line of the above described property, the 20-foot alley and the Northerly 30 feet of Granger Avenue immediately adjacent to the West line of said described property.

Contains	14,400	net
Less Street Dedication	<u>1,200</u>	
	13,200	

SECTION 3. ZONING MAP. Section 16-3-9 of the Zoning

Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1979, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Acting Mayor Kullijian

NOES: Councilmembers: Siefkin

ABSENT: Councilmembers: Mayor Mensinger

APPROVED:

Harry T. Kullijian
~~XXXXXXXXXXXXXXXXXXXX~~
HARRY T. KULLIJIAN,
Acting Mayor

ATTEST:

Norrine Coile
NORRINE COILE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William J. ...
Department of Planning and
Community Development

Ord. No. 1833-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of June, 1979, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Kullijian, Lang, Muratore

NOES: Councilmembers: Siefkin, Mayor Mensinger

ABSENT: Councilmembers: Elliott

APPROVED


MAYOR PEGGY MENSINGER

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 5, 1979

Ordinance 1833 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

Ord. No. 1834-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of June, 1979, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 5, 1979

AN ORDINANCE AMENDING SECTION MAP 2-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (JWJ DEVELOPMENT)

WHEREAS, a verified application for an amendment to Section 2-3-8 of the Zoning Map was filed by JWJ Development

on March 15, 1979, to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, the property described in Planning Commission Resolution No. 79-105, and

WHEREAS, after public hearing held on April 16, 1979, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 79-105, adopted on April 16, 1979, the Planning Commission recommended to the Council that the application of JWJ Development

to amend Section 2-3-8 of the Zoning Map to reclassify the property described therein from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, be approved, and

WHEREAS, at the public hearing held by this Council on June 5, 1979, to consider said rezoning, the applicant requested a slight reduction in the area requested to be rezoned,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. COUNCIL FINDINGS. After a public hearing held on June 5, 1979, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning, as modified by the applicant and hereinafter described, is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reason:

The R-2 density conforms to the Pelandale Neighborhood Zoning and Development Plan.

SECTION 2. ZONING CHANGE. Section 2-3-8 of the Zoning

Map is hereby amended to reclassify the following described property

from Low Density Residential Zone, R-1,
to Medium Density Residential Zone, R-2 :

ALL that certain real property situate in a portion of the East half of the Southwest quarter of the Southeast quarter of Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, City of Modesto, State of California, described as follows:

COMMENCING at the East quarter-quarter corner of said Section 2; said point being the centerline intersection of Dale Road and Pelandale Avenue; thence South 89°57'00" West along the center line of said Pelandale Avenue and quarter-quarter section line, 1440.67 feet to the point of beginning; thence leaving said center line the following four (4) courses and distances;

South 0°18'23" West, 144.00 feet,

North 89°57'00" East 120.00 feet,

South 0°18'23" West, 241.28 feet,

North 89°41'37" West, 660.30 feet to the intersection with the Easterly

line of that certain parcel of land entitled "Country Classic No. 2" as shown on the map filed in Volume 27 of Maps at Page 64, Stanislaus County Records; thence North 0°18'10" East along said Easterly line a distance of 381.17 feet to the intersection with the quarter-quarter section line of said section and the center line of Pelandale Road; thence North 89° 57'00" East along said quarter-quarter section line and said center line a distance of 540.34 feet to the point of beginning.

Containing 5.41 acres of land more or less.

SECTION 3. ZONING MAP. Section 2-3-8 of the Zoning

Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1979, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Kullijian, Lang, Muratore, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *William Smith*
Department of Planning and
Community Development

Ord. No. 1835-C.S.

FINAL ADOPTION CLAUSE


The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of June, 1979, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: Elliott

APPROVED


MAYOR PEGGY MENSINGER

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 19, 1979

Ordinance 1835 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

ORDINANCE NO. 1836-C.S.

AN ORDINANCE AMENDING SECTION MAPS 25-3-9 AND 26-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (RULE ENTERPRISES)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section Maps 25-3-9 and 26-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D (223) :

All that certain real property situate in the Southeast Quarter of Section 26 and the Southwest Quarter of Section 25, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning at the southwest corner of said Section 25; thence North $89^{\circ}34'25''$ East, along the south line of said Section 25, a distance of 20.00 feet to the centerline intersection of Yosemite Boulevard and Lincoln Avenue; thence North $0^{\circ}32'27''$ West along said centerline of Lincoln Avenue a distance of 543.58 feet; thence North $89^{\circ}56'32''$ West 1005.16 feet to a point on the east line of the West Half of the West Half of the East Half of the Southeast Quarter of said Section 26; thence South $0^{\circ}32'57''$ East along said east line a distance of 542.80 feet to said centerline of Yosemite Boulevard; thence South $89^{\circ}53'12''$ East along said centerline a distance of 985.10 feet to the point of beginning.

Containing 12.53 Acres

SECTION 2. USES. The following uses shall be permitted in said P-D (223) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

- a. Two-story residential structures consisting of 217 total rental apartment units.
- b. A minimum of 338 off-street parking spaces.

SECTION 3. ZONING MAP. Section Maps 25-3-9 and 26-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1979, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Kullijian, Lang, Muratore, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

APPROVED: *Reagan Mensinger*
~~PEGGY~~ MENSINGER, Mayor

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *William Fields*
Department of Planning and
Community Development

Ordinance 1836 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

Ord. No. 1836-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of June, 1979, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: Elliott

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 19, 1979

ORDINANCE NO. 1837 -C.S.

AN ORDINANCE AMENDING SECTION MAP 14-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (DONALD R. GONSALVES)

WHEREAS, a verified application for an amendment to Section 14-3-9 of the Zoning Map was filed by Donald R. Gonsalves

on March 12, 19 79, to reclassify from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, the hereinafter described property, and

WHEREAS, after public hearing held on April 16, 19 79, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 79-109, adopted on April 16, 19 79, the Planning Commission recommended to the Council that the application of Donald R. Gonsalves

to amend Section 14-3-9 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, be approved,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. COUNCIL FINDINGS. After a public hearing held on June 5, 1979, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The subject property fronts on a major street immediately across from a neighborhood shopping center and a P-0 zoned property presently under development.
2. P-0 zoning as requested conforms to the Orchard Neighborhood Zoning and Development Policy adopted by the Planning Commission and City Council.
3. The subject property possesses the locational criteria for P-0 zoning and development as specified in the General Plan and Article 30 of the Modesto Municipal Code.

SECTION 2. ZONING CHANGE. Section 14-3-9 of the Zoning

Map is hereby amended to reclassify the following described property

from Low Density Residential Zone, R-1,

to Professional Office Zone, P-O :

All that portion of O. McHenry Ranch according to the map filed in Volume 2 of Maps, at Page 7, Mount Diablo Base and Meridian in the Stanislaus County Records, situated in the Southwest One-Quarter of Section 14, Township 3 South, Range 9 East, described as follows:

Commencing at the Southwest corner of said Lot 3; thence North $0^{\circ}19'$ West and along the West line of said Lot 3 and along the centerline of the 40.00 foot County Road known as Old Oakdale Road, a distance of 665.04 feet to the true point of beginning of this description; thence continuing North $0^{\circ}19'$ West and along the West line of said Lot 3 a distance of 239.05 feet; thence South $89^{\circ}30'30''$ East a distance of 259.20 feet; thence South $37^{\circ}50'40''$ East a distance of 24.57 feet; thence South $9^{\circ}19'20''$ East a distance of 32.91 feet; thence South $0^{\circ}13'20''$ West a distance of 187.69 feet; thence North $89^{\circ}26'$ West a distance of 277.55 feet to the true point of beginning of this description.

SECTION 3. ZONING MAP. Section 14-3-9 of the Zoning

Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1979, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William J. ...
Department of Planning and
Community Development

Ord. No. 1837-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of June, 1979, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: Elliott

APPROVED

Peggy Mensinger

MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle

NORRINE COYLE City Clerk

EFFECTIVE DATE: July 19, 1979

Ordinance 1837 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

ORDINANCE NO. 1838-C.S.

AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (GALAS)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 21-3-9 of the Zoning
Map is hereby amended to reclassify the following-described property
from Medium High Density Residential Zone, R-3 to
Planned-Development Zone, P-D (219) :

All that certain real property situate in a portion of the Southwest
Quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo
Base and Meridian, in the City of Modesto, County of Stanislaus, State of
California, described as follows:

COMMENCING at the Southwest corner of said Section 21; thence North
0° 56' 00" West 1,046.54 feet along the West line of said Section 21 to
the westerly extension of the South line of 60-foot wide Hintze Avenue;
thence North 88° 57' 00" East 238.00 feet along said South line to the
POINT OF BEGINNING of this description; thence continuing along said South
line of Hintze Avenue North 88° 57' 00" East 195.58 feet; thence North
80° 57' 00" East 56.97 feet along said South line; thence South 0° 39' 00"
East 109.02 feet; thence South 22° 41' 00" East 62.69 feet; thence South
89° 34' 00" East 146.71 feet to the West line of the 10-foot abandoned
alley adjoining Block 621 of the Amended Map of Leslie Hugh Tract; thence
South 0° 54' 00" East 95.00 feet along said West line; thence North
88° 55' 00" West 421.14 feet more or less; thence North 0° 56' 00"
West 245.28 feet, more or less, to the end of this description.

Including the Southerly 30 feet of Hintze Avenue immediately adjacent
to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D (219) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. Banquet hall.
2. Cocktail lounge.
3. Off-street parking lot in accordance with the plan on file in the office of the Department of Planning and Community Development.

SECTION 3. ZONING MAP. Section Map 21-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 1979, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Kullijian, Lang, Muratore,
Mayor Mensinger

NOES: Councilmembers: Siefkin

ABSENT: Councilmembers: Elliott

APPROVED:

Peggy Mensinger
~~James W. Dawes~~ Mayor
PEGGY MENSINGER,

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By

William Pirkko
Department of Planning and
Community Development

Ord. No. 1838-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of June, 1979, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Bright, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Mayor Mensinger

NOES: Councilmembers: Siefkin

ABSENT: Councilmembers: Kullijian, Muratore

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 26, 1979

Ordinance 1838 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1566-C. S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 23-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (ST. PAUL'S EPISCOPAL CHURCH)"

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF ORDINANCE NO. 1566-C. S. Section 2 of Ordinance No. 1566-C. S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(147) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. A church.
2. Utilization of the church for a maximum 95 child day care nursery.
3. A business and professional office complex
4. A book store.
5. A 100-dwelling unit retirement center."

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 1979, by Councilmember

Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bright, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: Kullijian, Lang

ABSENT: Councilmembers: Elliott

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

Ord. No. 1839-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of June, 1979, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Muratore

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 26, 1979

ORDINANCE NO. 1840 -C.S.

AN ORDINANCE AMENDING SECTION MAP 30-3-9 _____ OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (ERROL VRH)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 30-3-9 of the Zoning

Map is hereby amended to reclassify the following-described property

from Low Density Residential Zone, R-1, to

Planned-Development Zone, P-D (225) :

All of Section 30, Township 3 South, Range 9 East, Mount
Diablo Base and Meridian, described as follows:

All of the Southerly portion of Lot 9 of Maze Ranch Subdivision
according to the map filed in Book 4 of Maps, at Page 18 in the
Stanislaus County Records, bounded by the East line of Carpenter
Road, a 90-foot roadway, by the South line of the property deeded
to the State of California, for freeway purposes on June 12, 1961 in
Book 1689 at Page 513, by the West line of Elmwood Estates No. 3,
filed in Volume 23 of Maps, at Page 49 all in Stanislaus County
Records and by the South line of said Lot 9 also being the centerline
of Elm Avenue, a 40-foot roadway.

SECTION 2. USES. The following uses shall be permitted in said P-D (225) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

A retail furniture store and warehouse and related parking.

SECTION 3. ZONING MAP. Section Map 30-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 1979, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Kullijian, Lang, Muratore,

NOES: Councilmembers: Siefkin, Mayor Mensinger

ABSENT: Councilmembers: Elliott

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By

Altham Sribda
Department of Planning and
Community Development

Ord. No. 1840-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of June, 1979, Councilmember Elliott moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Mayor Mensinger

NOES: Councilmembers: Siefkin

ABSENT: Councilmembers: Kullijian, Muratore

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 26, 1979

**Ordinance 1840 C.S.
Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

AN ORDINANCE REPEALING THE PARKING METER ZONING MAP OF THE CITY OF MODESTO.

WHEREAS, Section 3-2.1501 of the Modesto Municipal Code provides that changes in the boundaries of the parking meter zones shall be made by ordinance adopting an amended Parking Meter Zoning Map, or section or unit thereof,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. PARKING METER ZONING MAP. The Parking Meter Zoning Map of the City of Modesto is hereby repealed.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 1979, by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger,

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)
APPROVED AS TO FORM: Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

Ord. No. 1841-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of June, 1979, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 19, 1979

ORDINANCE NO. 1842 -C.S.

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 19 80, AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS.

WHEREAS, pursuant to the Charter of the City of Modesto, a proposed budget for the 1979 -80 fiscal year has been submitted to the City Council by the City Manager, and the City Council has made such revisions as it has deemed advisable, and

WHEREAS, in accordance with the City Charter, a public hearing has been held upon the adoption of the proposed budget after due notice, as provided by law, and

WHEREAS, copies of the proposed budget have been and are available for inspection by the public at the office of the City Clerk,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. That the "City of Modesto Preliminary Budget 1979 -80", presented by the City Manager to the City Council at its meeting held May 15, 1979, and as thereafter amended by the City Council, a copy of which budget, as amended, is on file in the office of the City Clerk, is hereby adopted as the budget for the City of Modesto for the fiscal year ending June 30, 1980, and the several amounts stated therein as proposed expenditures are hereby appropriated for the various objects therein described.

SECTION 2. That the City Council is authorized by resolution to transfer funds from one department to another department and to transfer and authorize the expenditure of funds from the Reserves for specific purposes.

SECTION 3. That the City Manager is authorized to transfer funds within departmental budgets between the following classifications, to wit: salaries, operating expenses and capital outlay; and to transfer between departmental capital budgets budgeted within the same capital fund; and to transfer and expend funds from the Contingency Reserve of the General Fund for specific purposes.

SECTION 4. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect upon adoption.

SECTION 5. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of June, 1979, by Councilmember Lang, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call

carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Kullijian, Lang, Muratore,
Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

ORDINANCE NO. 1843 -C.S.

AN ORDINANCE AMENDING SECTION MAP 20-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (JOE LA CONTE, BILL LA CONTE AND GEORGIA SANTRIZOS)

WHEREAS, a verified application for an amendment to Section 20-3-9 of the Zoning Map was filed by Joe La Conte, Bill La Conte and Georgia Santrizos

on April 18, 1979, to reclassify from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, the hereinafter described property, and

WHEREAS, after public hearing held on May 21, 1979, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 79-137, adopted on May 21, 1979, the Planning Commission recommended to the Council that the application of Joe La Conte, Bill La Conte and Georgia Santrizos

to amend Section 20-3-9 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, be approved,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. COUNCIL FINDINGS. After a public hearing held on June 26, 1979, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

- a. The subject property is comprised of 2 large lots fronting on a major street which are isolated from the remaining residential area to the south and west by streets and alleys.
- b. The subject property is directly across Orangeburg Avenue from a large medical office complex with Doctors Hospital to the northwest and McHenry Avenue commercial across Alma Avenue, a barricaded street to the east, making this property an untenable residential environment.
- c. P-O zoning as requested will provide a good land use transition between the residential and the office, hospital and commercial uses to the north, northwest and east, respectively, and the interests of compatibility with the residential area is assured by virtue of mandatory plot plan review before the Board of Zoning Adjustment.

SECTION 2. ZONING CHANGE. Section 20-3-9 of the Zoning

Map is hereby amended to reclassify the following described property

from Low Density Residential Zone, R-1,

to Professional Office Zone, P-O :

All that portion of Section 20, Township 3 South, Range 9 East, M. D. B. and M., described as follows:

Beginning at the point of intersection of centerline of Orangeburg Avenue with the centerline of Alma Avenue; thence westerly along the centerline of Orangeburg Avenue 310 feet to the point of intersection with the northerly extension of the east line of Lot A in Block 6058 in Mensinger Tract No. 4, according to the map filed in Volume 14 of Maps at page 68 in the Stanislaus County Records, thence Southerly along said extension and the east line of said lot A, 145 feet to the point of intersection with the north line of the east-west 20 foot alley in said Block 6058; thence easterly along said north line of said alley and the easterly extension thereof, 310 feet to the point of intersection with the centerline of Alma Avenue; thence northerly along said centerline 145 feet to the point of beginning on Orangeburg Avenue.

SECTION 3. ZONING MAP. Section 20-3-9 of the Zoning

Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of July, 1979, Councilmember Elliott moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

- AYES:** Councilmembers: Bright, Elliott, Lang, Muratore, Siefkin, Vice Mayor Kullijian
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: Mayor Mensinger

APPROVED Harry T. Kullijian
VICE MAYOR KULLIJIAN

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 9, 1979

Ordinance 1843 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

ORDINANCE NO. 1844 -C.S.

AN ORDINANCE AMENDING SECTION MAP 22-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (RICHARDS, TALLENT AND
DUROSETTE -1)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 22-3-9 of the Zoning

Map is hereby amended to reclassify the following-described property

from Professional Office Zone, P-O to

Planned-Development Zone, P-D (228) :

PARCEL ONE:

COMMENCING at the Northwest corner of Lot 20 of BROUGHTON COLONY, said point being South 0° 30' East 0.31 feet from a 5x5x18 concrete monument set for the quarter corner common to Sections 21 and 22 in Township 3 South, Range 9 East; thence South 0° 30' East along the section line a distance of 174.00 feet to the true point of beginning; thence continuing along said section line South 0° 30' East a distance of 174.00 feet; thence leaving said Section line and running North 89° 53' 30" East, a distance of 357.00 feet; thence North 0° 30' West, a distance of 174.00 feet; thence South 89° 53' 30" West, a distance of 357.00 feet to the true point of beginning of this description.

PARCEL TWO:

ALL that portion of Lot 20 of the BROUGHTON COLONY, as per Map filed March 17, 1904, in Book 1 of Maps, Page 78, Stanislaus County Records described as follows:

COMMENCING at the Northwest corner of said Lot 20, said point being South 0° 30' East 0.31 feet from a 5x5x18 concrete monument set for the quarter corner common to Sections 21 and 22, Township 3 South, Range 9 East; thence South 0° 30' East along the section line a distance of 348.00 feet to the Southwest corner of the property described in the Deed to Tilda F. Stutz, a widow, recorded November 26, 1951, in Book 1058 at Page 133 of Official Records, as Series No. 27286 and the true point of beginning of this description; thence North 89° 53' 30" East 357.00 feet to the Southeast corner of said Tilda F. Stutz property and a point on the West line of the property described in the Deed to the City of Modesto, a municipal Corporation, recorded November 30, 1961, in Book 1725 at Page 86 of Official Records, as Series No. 39819; thence South 0° 30' East along the West line of said City of Modesto property, a distance of 145.31 feet, more or less, to a point on the North line of the South 5 acres of said Lot 20; thence South 89° 56' West along the North line of the South 5 acres of said Lot 20, a distance of 357.00 feet to a point on the West line of said Lot 20; thence North 0° 30' West along said West line 145.31 feet to the true point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(228) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

- a. Medical/professional office buildings to be occupied by uses allowed in the P-O zone.
- b. Parking spaces as shown on plan and in accordance with Article 18 of the Modesto Municipal Code.

SECTION 3. ZONING MAP. Section Map 22-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1979, by Councilmember Leng, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Muratore

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *William Richards*
Department of Planning and
Community Development

Ordinance 1844 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

Ord. No. 1844-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of July, 1979, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 9, 1979

ORDINANCE NO. 1845 -C.S.

AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (RULE ENTERPRISES)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 21-3-9 of the Zoning
Map is hereby amended to reclassify the following-described property
from Medium Density Residential Zone, R-2, to
Planned-Development Zone, P-D (229) :

All that portion of Section 21, Township 3 South, Range 9 East,
Mount Diablo Base and Meridian described as follows:

Beginning at the point of intersection of the centerline of Coffee Road
and with the Easterly extension of the South line of the east-west 15-foot
alley in Block 1047 in the Wilkinson Tract, according to the map thereof
filed in Volume 17 of Maps at Page 64 in the Stanislaus County Records;
thence Westerly along said extension and the South line of said 15-foot
alley 659.4 feet to the West line of north-south 20-foot alley also in Block
1047; thence Southerly along the extension of the West line of said north-
south 20-foot alley 159.8 feet to the point of intersection with north-
west corner of P-D(10) as described by Ordinance No. 543-C.S. effective
December 25, 1962; thence Easterly along a line that is parallel with the
aforementioned South line of the 15-foot east-west alley in Block 1047
also being the North line of said P-D(10) and the Easterly extension
thereof 659.4 feet to the point of intersection with the centerline of
Coffee Road; thence Northerly along said centerline 159.8 feet to the
point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D (229) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

(a) Professional Offices

(b) Off-street parking areas in accordance with the plan on file in the office of the Director of Planning and Community Development.

SECTION 3. ZONING MAP. Section Map 21-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1979, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Muratore

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *William Mills*
Department of Planning and
Community Development

Ord. No. 1845-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of July, 1979, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Reggy Mensinger
MAYOR REGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 9, 1979

**Ordinance 1845 C.S.
Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

ORDINANCE NO. 1846 -C.S.

AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (JAMES CORN)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 21-3-9 of the Zoning

Map is hereby amended to reclassify the following-described property

from Medium Density Residential Zone, R-2 to

Planned-Development Zone, P-D (227) :

All that portion of the West one-half of the Northwest quarter of the Northeast quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

BEGINNING at the Southeast corner of the West half of the Northwest quarter of the Northeast quarter of Section 21, above Township and Range; thence North 89° 41' 30" West along the South line of the Northwest quarter of the Northeast quarter of said Section 21, a distance of 270 feet, more or less, to a Southeasterly corner of the property conveyed to Modesto City School District and Stanislaus County, State of California, a public corporation, by Deed dated January 3, 1948, and recorded January 16, 1948, in Book 922 of Official Records, at Page 114, as Series No. 1120; thence along an Easterly and Southerly line of said Modesto City School District property the following two courses and distances; North 0° 40' 30" West 350 feet and South 89° 41' 30" East, 270 feet, to the East line of the West half of the Northwest quarter of the Northeast quarter of said Section 21; thence South 0° 40' 30" East along said East line 350 feet to the point of beginning.

EXCEPTING THEREFROM the East 135 feet thereof.

SECTION 2. USES. The following uses shall be permitted in said P-D (227) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

13 2-story townhouse units, each with an attached 2-car garage.

SECTION 3. ZONING MAP. Section Map 21-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1979, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Muratore

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *William J. Richards*
Department of Planning and
Community Development

Ord. No. 1846-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of July, 1979, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED


MAYOR PEGGY MENSINGER

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 9, 1979

Ordinance 1846 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

ORDINANCE NO. 1847-C. S.

AN ORDINANCE AMENDING SECTION 4-6.307 OF ARTICLE 3 OF CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO TAXICAB RATES.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 4-6.307 of Article 3 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-6.307. RATES. No owner or driver of a taxicab shall charge a greater sum for the use of a taxicab than in accordance with the following rates:

(a) Mileage rates: \$1.20 for the first one-sixth mile or fraction thereof. 20¢ for each additional one-sixth mile or fraction thereof;

(b) Waiting time: 15¢ for each minute of waiting time or fraction thereof;

(c) Baggage: 50¢ for each piece of baggage in excess of fifty (50 lbs.) pounds; and

(d) Extra passengers: No charge shall be made for extra passengers. This applies only to those passengers whose point of pickup and point of destination are the same.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1979, by Councilmember

Siefkin _____, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Muratore

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

Ord. No. 1847-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of July, 1979, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 9, 1979

AN ORDINANCE AMENDING SECTION 8-2.915 OF ARTICLE 9 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO UTILITY USERS' TAX REFUNDS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 8-2.915 of Article 9 of Chapter 2 of Title VIII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 8-2.915. REFUNDS-ANNUAL GROSS INCOME LESS THAN \$6,300.00. (a) A refund of not to exceed Twenty and no/100ths (\$20.00) Dollars of taxes due and paid under the provisions of this article for utility services rendered in any calendar year shall be made whenever all of the following occur:

(1) The annual gross income of the household in which claimant lives is less than Six Thousand, Three Hundred and no/100ths (\$6,300.00) Dollars for the claimant's last federal or state personal income tax reporting period.

(2) Claimant makes application and files a verified claim in writing with the Director of Finance for such refund upon a claim form provided by the Director of Finance.

(3) The claim is approved by the Director of Finance as being in conformance with this section. Only one member of each household may file a claim, and only one claim may be filed for each individual household.

(b) The claimant shall be the person in whose name the bills for utilities services were rendered. Income of the household means all income of the claimant's household while members of such household and related to the claimant as a spouse or as defined in Sections 17056 and 17057 of the Revenue and Taxation Code of California.

(c) "Gross income" shall mean the sum of adjusted gross income as used for purposes of the California Personal Income Tax Law, together with the net income from all sources of all kinds, including but not limited to alimony, support money, cash public assistance and relief, pensions, annuities, social security, interest on securities (including tax free interest on governmental securities), realized capital gains, workmen's compensation (not including medical benefits), unemployment insurance income, insurance benefits of all kinds (other than medical), and gifts, except that income shall not include Medicare

benefits, Medicaid benefits, gifts of food and gifts between members of the household, the receipt of surplus food or other relief in kind supplied by a governmental agency.

(d) The claim for such refund, for the preceding calendar year, shall be made only during the period of January 1 to April 15 of each year, and must be accompanied by a copy of the utility bills, together with proof that the utility taxes have been paid by the claimant or some member of the household. No such refund shall be made on any claim filed or postmarked later than the 15th day of April.

(e) No refund shall be made to any person for taxes levied on a utility account for which any utility tax is due and outstanding for the period for which refund is claimed or for any prior period. No refund shall be made of any tax which was paid with public assistance or relief funds which included an allowance to pay the tax.

(f) Nothing in this section shall be construed to require that any utility company has any obligation to make or furnish for the purpose of the refund provisions hereof, proof of utility taxes due or utility taxes paid.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1979, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was


upon roll carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Muratore

APPROVED:

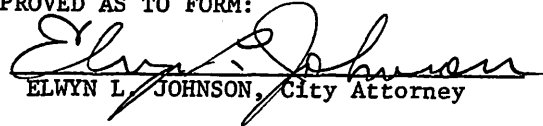

PEGGY MENSINGER, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

Ord. No. 1848-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of July, 1979, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 9, 1979

ORDINANCE NO. 1849 -C.S.

AN ORDINANCE AMENDING SECTION 4-4.404 OF ARTICLE 4 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO SUBDIVISIONS IN THE CITY OF MODESTO.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 4-4.404 of Article 4 of Chapter 4 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-4.404. ACTION ON TENTATIVE MAP.

(a) Action by Planning Commission. The Planning Commission shall review the tentative map to determine whether it is in conformity with the provisions of law and of this chapter and upon that basis within fifty (50) days after the filing of the tentative map, adopt a resolution approving, conditionally approving or disapproving the tentative map. The Planning Commission is authorized to report its action directly to the subdivider, and shall also transmit to the City Engineer a copy of the tentative map and a copy of the resolution setting forth the action of the Planning Commission.

(b) Consistency with General Plan. A tentative map shall not be approved or conditionally approved by the Planning Commission unless the Planning Commission finds that the proposed subdivision, together with the provisions for its design and improvements, is consistent with the General Plan and applicable specific plans of the City.

(c) Discharge of Waste. In connection with their review of a tentative map the Planning Commission shall determine whether the discharge of waste from the proposed subdivision into the existing sewer system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Board pursuant to Division 7 (~~commencing~~ with Section 13000) of the Water Code of the State of California. In the event that the Planning Commission finds that the proposed waste discharge would result in or add to violation of requirements of such board,

it may disapprove the tentative subdivision map.

(d) Limitations on Approval. A tentative map shall not be approved or conditionally approved by the Planning Commission if it makes any of the following findings:

(1) That the proposed map is not consistent with applicable general and specific plans.

(2) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(3) That the site is not physically suitable for the type of development.

(4) That the site is not physically suitable for the proposed density of development.

(5) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(6) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

(7) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the Planning Commission may approve a map if it finds that alternate easements, for access or for use, will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.

(e) Reports and Recommendations. Any reports or recommendations on the map or maps of any subdivision submitted to the Planning Commission or City Council shall be submitted in writing to the subdivider at least three (3) days prior to any hearing or action on the map or maps by the Planning Commission or City Council. Such required submission in writing shall be deemed complied with when such reports or recommendations are placed in the mail, bearing proper postage, and directed to the subdivider at his address shown on the map.

(f) Appeal. If the subdivider or any interested person is dissatisfied with any action of the Planning Commission with respect to the tentative map, or the kinds, nature and extent of the improvements required by the Planning Commission, he may, within fifteen (15) days after such action is taken by the Planning Commission, appeal in writing to the City Council for a public hearing thereon. The City Council shall hear the appeal, upon notice being given in accordance with the provisions of Section 66451.3 of the Government Code and to the appellant and the Planning Commission, within fifteen (15) days or at its next succeeding regular meeting, unless the appellant consents to a continuance. At the time fixed for the hearing the City Council shall proceed to hear the testimony of the appellant or any witnesses in his behalf. It may also hear the testimony of other competent persons respecting the character of the neighborhood in which the subdivision is to be located, the kinds, nature and extent of improvements, the quality of kinds of development to which the area is best adapted and any other phase of the matter with respect to which it may desire to inquire into.

Upon conclusion of the hearing the City Council shall, within ten (10) days, declare its findings based upon the testimony and documents produced before it. It may sustain, modify, reject or overrule any recommendations or rulings of the Planning Commission and may make such findings as are not inconsistent with the provisions of this chapter and the Subdivision Map Act.

(g) Presence of Subdivider. The subdivider or his representative should be present at the time set for the consideration of the tentative map.

(h) Extension of Time Limits. The time limits for acting and reporting on tentative maps as specified in this section may be extended by mutual consent of the subdivider and the Planning Commission or City Council as the case may be.

(i) Information to be Furnished to City Engineer. When the approval or conditioned approval of the tentative map of any subdivision has become final, the subdivider shall furnish the following information to the City Engineer, and shall receive his authorization prior to construction of any of the improvements or preparation of the final map.

(1) Typical cross sections and proposed final finished grades of all roads, streets, and highways in the

proposed new subdivision, together with a profile showing the relation between finished grade and existing ground elevations.

(2) Proposed lengths, size and type of any pipes, culverts, or structures necessary for drainage, erosion control or the public safety with plans and specifications therefor.

(3) Any information required by the conditional approval of the Planning Commission or City Council.

(4) Elevations shall be referenced to the Modesto City Datum.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1979, by Councilmember Lang, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Bright

APPROVED:

Peggy Mensinger
~~KELLY DAWKINS~~, Mayor
PEGGY MENSINGER,

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney -4-

Ord. No. 1849-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 17th day of July, 1979, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Siefkin, Acting Mayor Kullijian

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED

Harry Kullijian
ACTING MAYOR KULLIJIAN

ATTEST:

Norrine Coyle
NORRINE COYLE City Clerk

EFFECTIVE DATE: August 16, 1979

AN ORDINANCE AMENDING SECTIONS 10-1.03, 10-2.303, 10-2.502, 10-2.502.1, 10-2.602, 10-2.801, 10-2.1510, 10-2.1511, 10-2.1612, 10-2.1618, 10-2.1620, 10-2.2708, 10-2.3502, 10-2.3503, 10-2.3509, AND 10-2.3510 OF TITLE X OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTIONS 10-2.248.1, 10-2.255.2, 10-2.502.2 AND 10-2.801.1 THERETO RELATING TO THE ZONING REGULATIONS.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 10-1.03, 10-2.303, 10-2.502, 10-2.502.1, 10-2.602, 10-2.801, 10-2.1510, 10-2.1511, 10-2.1612, 10-2.1618, 10-2.1620, 10-2.2708, 10-2.3502, 10-2.3503, 10-2.3509 and 10-2.3510 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-1.03. POWERS AND DUTIES. The Commission shall have the general powers and duties specified in Section 1107 of said Charter and pursuant thereto shall have the power and duty to:

(a) Perform all of the functions assigned to a City Planning Commission by the "Conservation and Planning Act" and other statutes of the State of California relating to planning and zoning, insofar as they are not inconsistent with the provisions of the Charter of the City of Modesto.

(b) Prepare and recommend the adoption, amendment, or repeal of the general plan or any element thereof for the physical development of the City, together with detailed or precise sections based thereon.

(c) Advise with and recommend to the proper officials of the City the approval or disapproval or modification of all maps or plats of land subdivision in accordance with the Subdivision Map Act of the State of California, or as may be provided by this Code.

(d) Hold hearings on planning and zoning matters as prescribed by this Code, or State law, provided, however that except as may be specifically provided herein, the provisions of Chapter 4 of the State Planning Law, Government Code Sections 65800, and following, are not adopted hereby.

(e) Advise with and recommend to the proper officials of the City regarding the acquisition, use, or disposition of all City owned property.

(f) List and classify all proposed public improvements recommended by officers, departments, boards or commissions of the City. The Planning Commission shall each year, on or before May 1st, prepare and submit to the City Council a coordinated program of proposed public improvements for the ensuing four (4) year period, together with its recommendations in connection therewith. In order that the Commission may properly perform this function, each officer, department, board or commission of the City whose functions include recommending public improvements to the Council, shall, on or before March 1st each year, submit to the Planning Commission a list of proposed public improvements recommended by such officer, department, board or commission for planning, initiation or construction during the ensuing four (4) year period.

SEC. 10-2.303. ESTABLISHMENT OF ZONES BY MAP. The location and boundaries of the various zones are as shown on the "Zoning Map of the City of Modesto," copies of which are on file in the offices of the City Clerk and the Director of Planning and Community Development. Said map and all notations, references, and other information shown thereon are hereby made a part of this chapter.

SEC. 10-2.502. PERMITTED USES. In an R-1 zone only the following uses, as hereinafter specifically provided and allowed, or as provided and allowed in Sections 10-2.502.1 and 10-2.502.2 are permitted:

(a) Single family dwelling.

(b) Two-family dwelling on any corner lot, provided that the driveway serving the off-street parking for one dwelling unit shall have access to one street and the driveway serving the off-street parking for the other dwelling unit shall have access to another street; and further provided that such lot shall have been created by a subdivision recorded after January 1, 1978.

(c) Storm drainage basins and related facilities which serve residentially zoned property.

(d) The following residential uses:

(1) The renting of sleeping quarters to not more than three (3) lodgers or the providing of table board to not more than three (3) boarders, or both, but not to exceed three (3) in any combination thereof by a proprietor who lives on the premises. For families consisting of persons who are not related by blood, marriage, or adoption, the total number of persons in a dwelling unit including members of the family, lodgers, and boarders, shall not exceed five (5) persons. Lodgers or boarders may be allowed kitchen privileges in the proprietor's kitchen, but there shall be no eating, cooking, or food storage facilities in conjunction with the sleeping quarters. Sleeping quarters shall not exceed more than one room per lodger or boarder.

(2) The day care of not more than six (6) children in addition to members of the family, when such care is authorized under permits granted by the Stanislaus County Welfare Department, the Modesto Fire Department, the County Health Department and the Secretary of the Commission.

(3) Family care home serving a maximum of six (6) persons.

(e) Home occupations when authorized under a permit granted in accordance with the provisions of Section 10-2.2502.

(f) The following fowl and animals under the following conditions:

(1) Household pets, subject to the provisions of Section 10-2.233.

(2) Not more than four (4) rabbits and/or hares; and domestic fowl (hens only), providing not more than twelve (12) of any one or combination of such animals and fowl may be maintained on a lot.

(3) The keeping of all domestic animals and fowl provided for in item (2) above and Section 10-2.502(d)(12) shall conform to all other provisions of law governing same and no fowl or animal except household pets, or any pen or coop, except those used for household pets, shall be kept or maintained except under the following conditions:

(aa) Animals or fowl shall be kept or maintained only at a distance of forty (40') feet or more from the window or door of any residence or other building used for human habitation.

(ab) Animals or fowl shall be kept or maintained only on the rear one-third (1/3) of the lot.

(ac) Animals or fowl shall be maintained only at a distance from the property line not less than the required side yard.

(g) Two-family dwelling, when the lot upon which it is located has a side line that abuts property zoned for R-3, P-0, C-1, C-2, C-M, M-1 or M-2, but in no case shall the property used for such two-family dwelling consist of more than one lot or be more than seventy-five (75') feet in width whichever is the lesser.

(h) Servants' quarters and guest houses may be maintained on any lot provided that such quarters and guest houses are used as an accessory to the single dwelling unit and also provided no cooking facilities are maintained therein.

(i) Garage sales, subject to the following conditions:

(1) No garage sale shall be held or conducted on the same premises for more than three (3) consecutive days.

(2) Not more than two (2) garage sales may be held or conducted on the same premises in any one calendar year.

(j) Accessory uses and buildings customarily incidental to the above.

(k) Any business activities conducted in or from an R-1 Zone shall meet all of the following criteria unless otherwise excepted by this chapter:

(1) Any business activities conducted in or from a dwelling shall be clearly incidental and secondary to the use of the premises for dwelling purposes and shall not change the residential character thereof. The business shall be conducted entirely within a structure and shall be limited to telephone, mail, radio communication, and office uses conducted by an occupant. Any other business activity shall be conducted entirely away from the premises.

(2) No more than one (1) vehicle connected with any such business activities shall be parked on or near the premises. As used herein a vehicle means one car, pickup, or small van driven by a person living on the premises. Parking of trucks, as defined in Section 10-2.271 of this chapter, or construction equipment on or near the premises or the dispatching of employees from the premises is not permitted.

(3) No person, other than a resident of the dwelling, may be engaged in business activities at the premises.

(4) All equipment, supplies, samples, or other business goods or articles shall be kept or maintained within a business vehicle and shall not otherwise be kept or maintained on the premises except for personal office use such as stationery and bookkeeping materials.

(5) No vehicle, equipment, or activity shall be conducted or operated in such a manner as to cause a disturbance in the neighborhood, nor create a public nuisance with noise, odor, dust, vibration, fumes, smoke, electrical interference, or other causes.

(6) No residential address, excepting a post office box number, shall be included in any advertising including telephone directory, newspaper, radio, or television advertising.

(7) No signs shall be displayed on the premises except one (1) unlighted, wall mounted name plate not to exceed one (1) square foot in area.

(8) No business deliveries shall be made to the premises in conjunction with any such business activities.

(9) This subsection (k) on business activities shall not apply to activities conducted pursuant to a home occupation permit.

SEC. 10-2.502.1. CONDITIONAL USES. The following uses are permitted in the R-1 Zone upon the securing of a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of this chapter:

(a) Church, wedding chapel.

(b) Public buildings or grounds operated by any governmental agency.

(c) Public utilities or utilities operated by mutual agencies, including electrical substations, gas metering stations, telephone exchanges, power boosters, or conversion plants, with the building apparatus or appurtenances thereto.

(d) Radio or television transmitter.

(e) Tower.

(f) Private recreational grounds and facilities not open to the general public and to which no admission charge is made.

(g) Storm drainage basins and related facilities which serve an adjacent nonresidentially zoned property.

(h) The following residential uses:

(1) Family care home serving seven (7) or more persons.

(2) For homes with families related by blood, marriage, or adoption only the renting of sleeping quarters to more than three (3) lodgers or the providing of table board to more than three (3) boarders, or both, by a proprietor who lives on the premises. Lodgers or boarders may be allowed kitchen privileges in the proprietor's kitchen, but there shall be no eating, cooking or food storage facilities in conjunction with the sleeping quarters. Sleeping quarters shall not exceed more than one room per lodger or boarder.

(3) Child day care for more than seven (7) children, in addition to members of the family.

(4) Rest home.

(i) A maximum of fifty (50) racing homer pigeons as defined in Section 10-2.255.1 to be maintained in pens or lofts on a lot or parcel which contains at least one dwelling unit, subject also to the limitations of Section 10-2.502(g)(3). The Board of Zoning Adjustment may restrict the number of pigeons to less than fifty (50) birds.

(j) A parking area, provided:

(1) Development is as required by Article 18 of this chapter.

(2) The parking area is clearly incidental and accessory to a use permitted in this section or is accessory to a commercial use which is located in a commercial or industrial zone immediately adjacent to the property to be used for a parking area.

SEC. 10-2.602. PERMITTED USES. In the R-2 zone only the following uses are permitted as are hereinafter specifically provided and allowed:

(a) Any use permitted in the R-1 zone.

(b) Two-family dwellings.

(c) Multiple-dwelling when the lot area complies with the provisions set forth in Section 10-2.608 of this chapter.

SEC. 10-2.801. PERMITTED USES. In a C-1 zone only the following uses are permitted:

- (a) Primary uses:
 - (1) Accounting, auditing and bookkeeping services.
 - (2) Advertising agency.
 - (3) Ambulance service.
 - (4) Apparel store and related accessories.
 - (5) Artists' supplies and art shop.
 - (6) Art studio.
 - (7) Autograph and philatelist supply.
 - (8) Bank, savings and loan, credit union.
 - (9) Baby sitters' agency.
 - (10) Barbershop; beauty shop.
 - (11) Boardinghouse.
 - (12) Book and stationery sales.
 - (13) Building supply; limited to retail sales.
 - (14) Business and professional offices.
 - (15) Camera and photographic supply.
 - (16) China.
 - (17) Christmas tree sales.
 - (18) Cigar store and stand.
 - (19) Coal and fuel sales office.
 - (20) Consumer credit reporting agency; adjustment and collection agency.
 - (21) Curtain store.
 - (22) Diaper service.

- (23) Drapery store.
- (24) Drug and proprietary medicine.
- (25) Dry cleaners, coin-operated.
- (26) Duplicating, addressing, mailing services, blue-printing and photostating services; stenographic services.
- (27) Eating and drinking establishments. Beer and wine may be served only in conjunction with meals. Music may be provided. The following are excluded:
 - (aa) Dancing and entertainment.
 - (ab) Dispensing of other alcoholic beverages.
- (28) Electrical repair shop.
- (29) Fireworks stand.
- (30) Florist, greenhouse, plant materials nursery.
- (31) Food stores.
- (32) Frozen food lockers, individual retail rental.
- (33) Garden supply.
- (34) General merchandise (excluding department store).
- (35) Gift, novelty and souvenir.
- (36) Glassware.
- (37) Gunsmith shop.
- (38) Hardware, limited to household and gardenware.
- (39) Hat cleaning.
- (40) Home furnishings such as pictures, frames, lamps, shades, awnings, and window shades.
- (41) Ice dealer, limited to not more than five (5) tons capacity.
- (42) Interior decorating service.
- (43) Janitorial service, window cleaning, disinfecting and exterminating.

- (44) Jewelry.
- (45) Laundry and dry cleaning agency, including self-service.
- (46) Library.
- (47) Liquor (off-premises consumption).
- (48) Locksmith shop.
- (49) Lodging house.
- (50) Luggage and leather goods.
- (51) Metalware shop.
- (52) Motel, hotel, membership hotel, apartment hotel.
- (53) Musical instruments and records.
- (54) News dealer and newsstand.
- (55) Nonprofit membership organization, private club; fraternity, sorority; lodge.
- (56) Office supply sales.
- (57) Paint, glass and wall paper sales.
- (58) Parking area, parking garage.
- (59) Parts dealer, airplane, automobile, motorboat, motorcycle, and trailer; sales only, no service, repair, rebuilding or installation.
- (60) Pet store.
- (61) Pet clinic.
- (62) Photographic studio, film processing.
- (63) Pumpkin sales.
- (64) Radio and television sales and repair.
- (65) Record sales.

(66) Repair shops, such as: bicycle, camera, fountain pen, lawn mower sharpening, knife and tool, musical instrument, saw sharpening, key duplication, and handyman repair service.

(67) Schools, such as music, art, dramatics, language, children's dancing, correspondence.

(68) Service station.

(69) Shoe repair shop, shoe shine parlor, shoe sales.

(70) Sporting goods.

(71) Storm drainage basins and related facilities.

(72) Tailor and seamstress shop, including pressing.

(73) Taxi stand.

(74) Toy shop.

(75) Upholstery material store.

(76) Variety store.

(77) Watch, clock and jewelry repair.

(b) The following uses upon the securing of a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of this chapter:

(1) Amusement and recreation services.

(2) Church; wedding chapel; funeral service.

(3) Child day care for more than six (6) children in addition to members of the family.

(4) Drive-in restaurant.

(5) Private recreational grounds and facilities not open to the general public and to which no admission charge is made.

(6) Public buildings or grounds operated by any governmental agency.

(7) Public utilities or utilities operated by mutual agencies, including electrical substations, gas metering stations, telephone exchanges, power boosters, or conversion plants, with the necessary buildings, apparatus or appurtenances thereto.

(8) Radio or television transmitter.

(9) Rest home.

(10) Tower.

(c) Accessory uses and buildings customarily incidental to the uses described in this section.

(d) Processing, packaging, treating or storing of materials to be sold at retail on the premises or to be sold wholesale; and manufacture of products to be sold at retail on the premises or on other lawfully existing commercial premises in the City of Modesto operated by the occupant of the premises where such products are manufactured, subject to the limitations and provisions of Section 10-2.802.

SEC. 10-2.1510. PERMITTED LOCATIONS OF RECREATIONAL VEHICLES. It shall be unlawful for any person to place, keep, or maintain or permit to be placed, kept, or maintained any recreational vehicle upon any lot, piece, or parcel of land except as follows:

(a) Within a residential zone:

(1) Any number wholly within a structure lawfully existing on the premises.

(2) A maximum of two (2) recreational vehicles in addition to those kept pursuant to subsection (a)(1) hereof upon any lot, piece or parcel of land provided all of the following:

(aa) No portion of said recreational vehicle overhangs any portion of the public sidewalk or lacking a public sidewalk, no portion of said recreational vehicle is within five (5') feet from the curblin.

(ab) No portion of said recreational vehicle is closer than three (3') feet to any building used for human habitation.

(ac) No portion of said recreational vehicle is within a clear vision zone of a corner lot as defined in Section 10-2.1609.

(3) Any number within a mobile home park or a trailer park.

(b) Within a nonresidential zone:

(1) Any number within a mobile home park or a trailer park.

(2) Any number for storage, sale, or business use as permitted in such zone.

(c) A camp car, motor home, or mounted camper which is not more than seventy-eight (78") inches in height and seventy-two (72") inches in width shall be exempt from the provisions of this section.

SEC. 10-2.1511. PERMITTED LOCATIONS OF MOBILE HOMES. It shall be unlawful for any person to place, keep or maintain or permit to be placed, kept, or maintained any mobile home upon any lot, piece, or parcel of land except as follows:

(a) Within a mobile home park.

(b) For storage, sale, or business use as permitted in a given zone.

SEC. 10-2.1612. WALLS, FENCES, AND HEDGES.

(a) On residentially zoned or P-0 zoned property, it shall be unlawful to place, keep, or maintain any hedge, wall, or fence not in conformity with this section, as follows:

(1) A wall or fence shall be in conformance with the Building Code of the City of Modesto.

(2) Front yard or side yard is fifteen (15') feet except for substandard corner lots referred to in Section 10-2.1618 and certain specified corner lots referred to in Section 10-2.1620. In such cases, the side street side yard shall be seven and one-half (7-1/2') feet.

(3) In the front yard or side yard abutting a street:

(aa) Three (3') foot maximum height within the clear vision triangle as prescribed in Section 10-2.1609.

(ab) Forty-two (42") inch maximum height elsewhere in the front or side yard abutting a street.

(4) Eight (8') foot maximum height other than in the front or side yard abutting a street.

(5) Except as provided in subsection (a)(3)(aa) above, nothing in this section shall be deemed to limit location or height of any wall, fence, or hedge that is required as a condition of the approval of a subdivision map, parcel map, or P-D zone.

(b) On a commercially or industrially zoned property, it shall be unlawful to place, keep, or maintain any hedge, wall, or fence not in conformity with this section, as follows:

(1) A wall or fence shall be in conformance with the Building Code of the City of Modesto.

(2) Eight (8') foot maximum height within fifteen (15') feet of any street.

(3) Except as provided in subsection (b)(2) hereof, maximum height shall be as specified by the height limits in the given zone.

SEC. 10-2.1618. SUBSTANDARD LOTS. When a lot has less than the minimum required area or width as set forth in any of the zones contained herein, or in a precise plan, and was of record on the effective date of this chapter or is a part of a subdivision the tentative map of which was approved by the City or County Planning Commission prior to the effective date of this chapter, such lot shall be deemed to have complied with the minimum required lot area and width as set forth in any such zone or precise plan, except that such substandard lot shall qualify for only one single-family residence; provided, however, that if such substandard lot contains the minimum required lot area for a use in the zone in which such lot is located and if the width of such lot is not less than fifty (50) feet, then the lot may qualify for such use.

On such substandard lot the width of each side yards or rear yard for a dwelling or building permitted in an R-1, R-2, R-3, P-0 or H-1 zone may, except when a wider side or rear yard is required because of the dwelling or building height, be reduced to a width which is not less than the same percentage of the width of the lot as the required side yard would be of the required lot width; provided that on interior lots no side yards shall be less than three (3') feet and on corner and reversed corner lots no side yard on the side street shall be less than seven and one-half (7-1/2') feet and the other side yard shall be not less than three (3') feet.

SEC. 10-2.1620. SIDE YARD MODIFICATIONS FOR CERTAIN SPECIFIED LOTS.

(a) Existing Lots. Notwithstanding any other provisions of this chapter to the contrary the minimum side yard required for any dwelling or building permitted in a P-0 or residential zone to be erected on an interior lot of any of the following kinds of lot shall be five (5') feet.

(1) A lot described in a subdivision which has been recorded in the Office of the Recorder of Stanislaus County prior to the effective date of this chapter;

(2) A lot described in a subdivision the tentative map of which has been approved by the Planning Commission of the City of Modesto or the County of Stanislaus prior to the effective date of this chapter.

(3) A lot held of record in separate ownership from adjacent lots prior to the effective date of this chapter.

The total width of the two (2) required side yards for any of the above described lots shall be not less than ten (10') feet.

For corner lots held in separate ownership or in subdivisions as described above, the side yard on the side street of any lot shall be not less than seven and one-half (7-1/2') feet and the interior side yard of any such lot shall not be less than five (5') feet.

(b) Future Lots. Side yards on the side street side of all corner lots and interior side yards of all lots in every subdivision, the tentative map of which is approved subsequent to the effective date of this chapter, or on individual lots cut off subsequent to the effective date of this chapter, shall be as required in the various articles of this chapter governing the respective zones.

(c) Substandard Lots. All lots in both (a) and (b) above shall be subject to the provisions of Section 10-2.1618 relating to substandard lots.

SEC. 10-2.2708. DEVELOPMENT PLAN. An application for a P-D zone shall be made to the Planning Commission and shall include and be accompanied by a development plan. The P-D zone, when adopted, shall become part of the zoning map of the City of Modesto as provided for by Article 3 of this chapter and the development plan for such P-D zone shall be adopted by resolution.

(a) Any changes in the development plan which involve a substantial redesign of the development plan, an intensification of uses, a substantial impact on adjacent property, or new uses shall be considered as a P-D Zone amendment and shall be set for hearing in accordance with the procedures set forth in Article 21 for an unclassified use permit.

(b) If changes are proposed to the development plan which do not involve new uses, or such redesign, intensification, or impact, the Secretary of the Planning Commission shall have the power to approve such changes, provided that they conform in principle to the approved development plan. If, in the opinion of the Secretary of the Planning Commission, the changes do not conform in principle to the approved development plan, such changes shall be referred to the Planning Commission for decision. The Planning Commission may approve any such changes which result in a change in the Council resolution of approval after public hearing. The Commission's action shall be final, unless appealed to the City Council.

(c) The development plan shall include:

(1) A map showing any street system and lot design proposed within the zone. Any areas proposed to be dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings and other such uses must be shown. Compliance with the requirement shall not be construed to relieve the applicant from compliance with the subdivision regulations or any other applicable regulations of the City of Modesto.

(2) A plot plan for each building site or sites in the proposed P-D zone or any portion thereof as required by the Planning Commission. A plot plan shall show the approximate location of all proposed buildings, indicating maximum and minimum distances between buildings, and between buildings and property or building site lines.

(3) Elevations and/or perspective drawings of all proposed structures. Such drawings need not be the result of final architectural decisions and need not be in detail. The purpose of such drawings is to indicate within stated limits the height of proposed buildings and the general appearance of the proposed structures to the end that the entire development will have architectural unity and be in harmony with surrounding developments.

(4) Any or all of the following plans and diagrams may also be required by the Planning Commission or similar information may be required to be included on the plot plan or appended thereto:

(aa) Off-street parking and loading plan.

(ab) A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the P-D zone and to and from adjacent public thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation pattern shall be shown.

(ac) Landscaping and tree planting plan.

(ad) A map showing the topography of the proposed zone at one foot contour intervals.

(ae) An economic feasibility report of market analysis.

SEC. 10-2.3502. DEFINITIONS. For the purpose of these sign regulations the following words and phrases shall have the meanings respectively ascribed to them by this section.

(a) "Area of a Sign" shall mean the entire area within a single continuous perimeter enclosing the extreme limits of all elements such as boards or frames, perforated or solid backgrounds, ornamental embellishments, writings, representations, emblems or any figures or similar characters, including any spires, masts, shafts or similar projections, but excluding the necessary supports or uprights on which such sign is placed.



EXAMPLES OF SIGN AREA

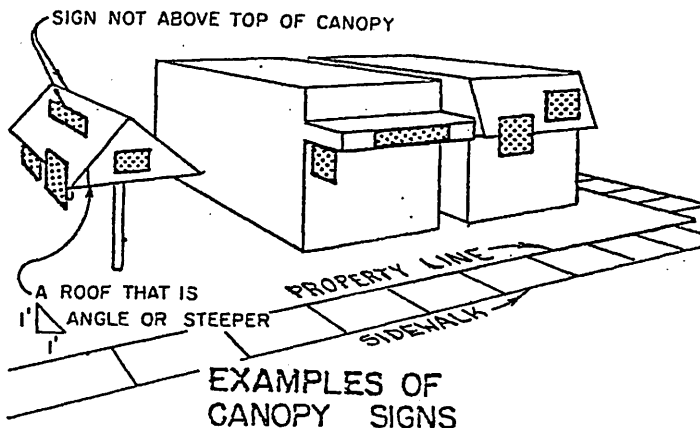
Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except where two (2) such faces are placed back to back and are at no point more than two (2') feet from one another, the area of the sign shall be taken as the area of one face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area.

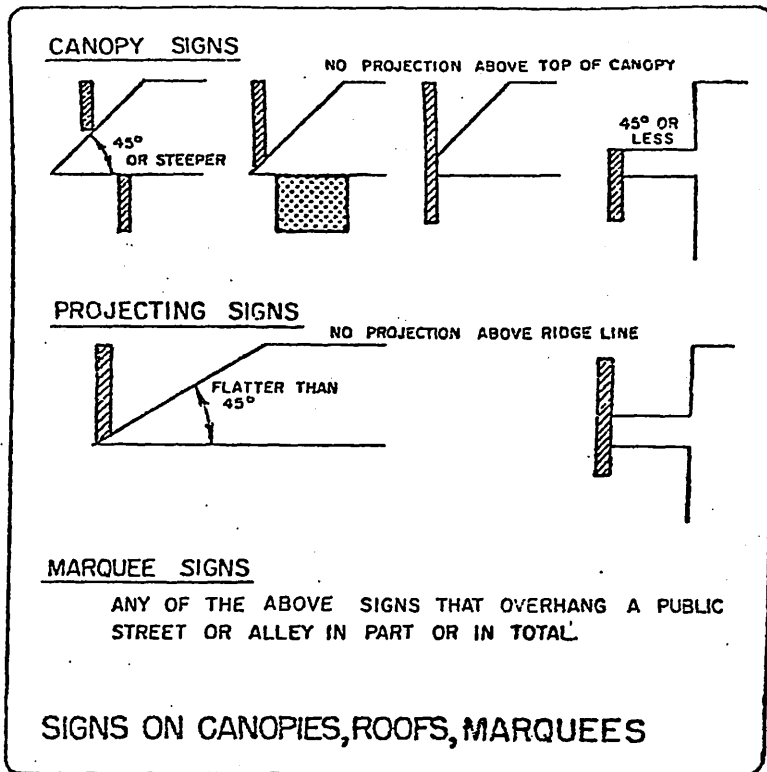
(b) "Bench Sign" shall mean a bench located outdoors with advertising matter thereon.

(c) "Bulletin Board" shall mean a sign used to announce a coming event or attraction or used to convey a specific message related to the building or use of the property on which the bulletin board is located. In all zones, bulletin boards, which are displayed so as to be viewed from a public street, highway, parking lot, walkway or mall shall be subject to the sign regulations of the zone in which the building or property is located.

(d) "Canopy" shall mean a roof of a building or a fixed overhead shelter used as a roof, which may or may not be attached to a building and which does not encroach into nor overhang a public street or alley right-of-way.

(e) "Canopy Sign" shall mean a sign attached to or hung from a canopy but not projecting from the face of the canopy. A canopy sign shall be parallel to the face of a canopy except for a sign hung under a canopy. If the canopy has a roof slope flatter than forty-five (45°) degrees (one (1) horizontal to one (1) vertical), no sign shall project above the face of the canopy. If the canopy has a slope of forty-five (45°) degrees or steeper, a canopy sign shall not project above the highest point of the canopy roof behind the sign.





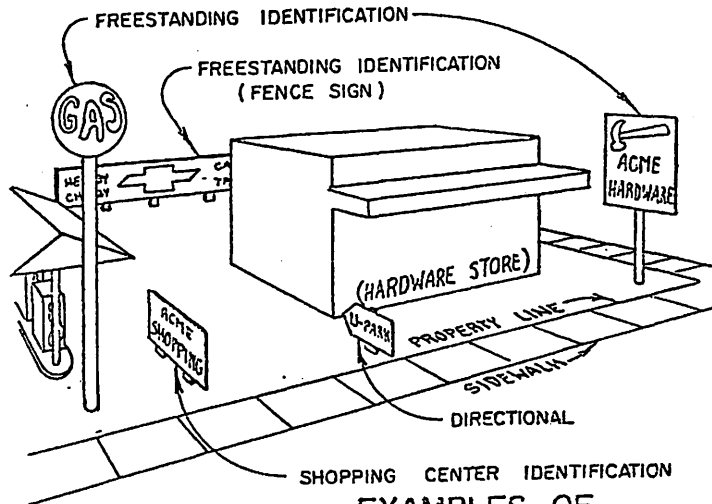
(f) "Construction Sign" shall mean a sign with the names of the architects, engineers, contractors, subcontractors and financing agencies of buildings and structures being constructed upon the premises on which the sign is located.

(f-1) "Corporate Flag" shall mean a flag identifying a business or firm.

(g) "Directional Sign" shall mean one of two (2) types of signs. An exterior directional sign shall mean a sign oriented to a street and used to direct and control pedestrian or vehicular traffic and located on the same lot or premises as the use which it is intended to serve. An interior directional sign shall mean a directional, warning, or informational sign not bearing any advertising message readable from any street right-of-way. It shall be located on the same lot or premises as the use which it is intended to serve.

(h) "For Sale or Rent Sign" shall mean a sign advertising that the subject building or real property or portion thereof is for sale, rent or lease.

(i) "Free-Standing Sign" shall mean a sign detached from any building or structure, and the supports of which are permanently affixed in the ground.



EXAMPLES OF FREESTANDING SIGNS

(j) "Garage Sale Sign" shall mean a sign which is used to advertise the sale of used or second-hand goods or merchandise at dwellings and on residentially zoned property; such sales are also commonly known as patio sales, yard sales, etc.

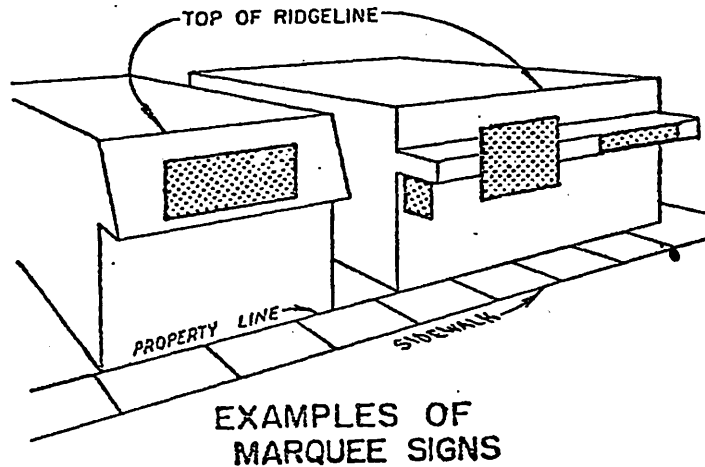
(k) "Height" shall mean the vertical distance from the highest point used in measuring the area of a sign to the top of curb of the street at a point which is closest to the highest point of the sign.

(l) "Identification Sign" shall mean any sign which is used to identify or advertise the occupant of a building, lot or premises or the merchandise or activity available at the building, lot or premises where the sign is located.

(m) "Lighted Sign" shall mean any sign which is illuminated either directly or indirectly by artificial light.

(n) "Marquee" shall mean a fixed overhead shelter used as a roof, which may or may not be attached to a building, and which projects into or overhangs a public street or alley right-of-way.

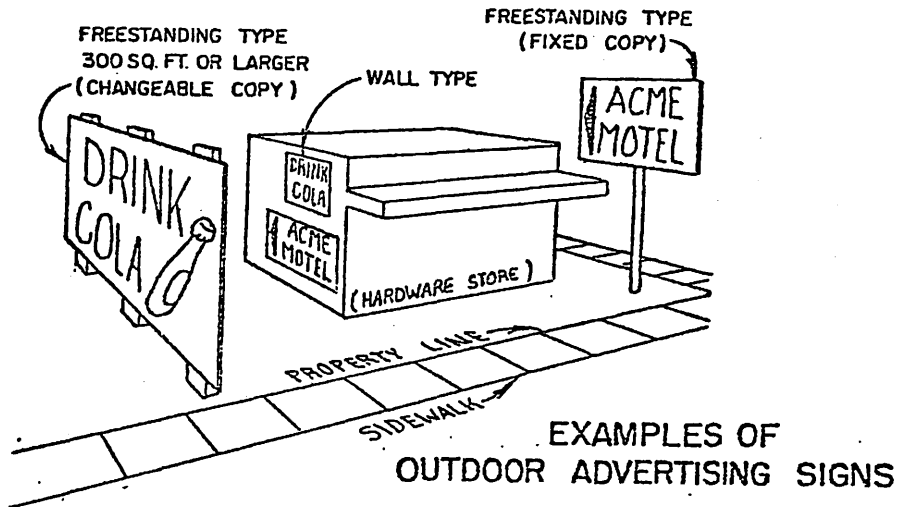
(o) "Marquee Sign" shall mean a sign attached to or hung from a marquee but not projecting from the face of the marquee or above the top of the ridgeline of the building. "Marquee Sign" shall also mean a sign similarly mounted on any other roof structure that overhangs a street or alley right-of-way.



(p) "Multiple Family Housing Project Sign" shall mean a sign identifying the name of a multiple family housing project and located within the boundaries of a multiple family housing project.

(q) "Open House Directional Sign" shall mean a sign with the words "Open House" and may include an arrow or other directional symbol and real estate office name.

(r) "Outdoor Advertising Sign" shall mean a sign that directs attention to a business, profession, product, commodity, or service that is not the primary business, profession, product, commodity or service sold, manufactured, conducted, or offered on the site on which the sign is located.



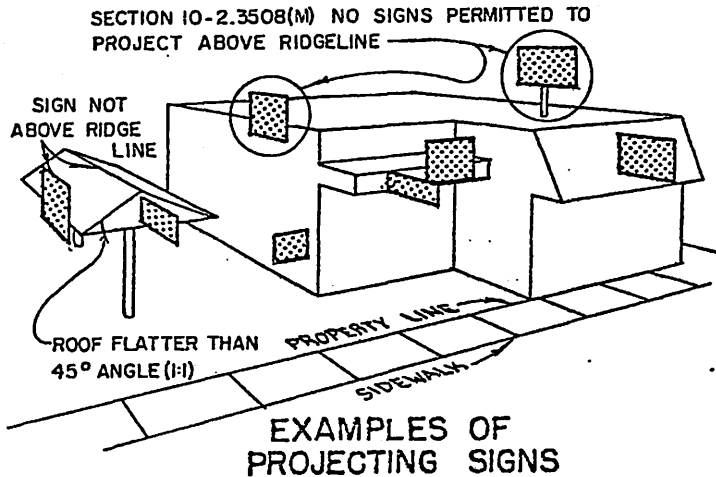
(s) "Political Sign" shall mean any impermanent sign or advertising device or display, with or without letters, words, numbers or figures thereon, which is designed to advertise a candidate for political office, a political party, or a measure scheduled for an election.

(t) "Principal Frontage" shall mean that wall of a building or structure which has frontage on a public street, highway, parking lot, walkway or mall and which is designated by the owner or occupant thereof as the principal frontage of said building or structure for the purposes of Section 10-2.3510(a)(4) of these regulations.

(u) "Projecting Sign" shall mean any of the following:

(1) Any sign attached to and projecting from the face of a wall, canopy, or marquee.

(2) Any sign mounted on a canopy roof or building roof that has a slope flatter than a forty-five (45°) degree angle (one (1) horizontal to one (1) vertical).



(v) "Ridgeline" shall mean the peak of the roof, the top of a parapet, or the top of the wall of a building.

(w) "Sign" shall mean any structure, device, letter, figure, character, poster, picture, trademark or reading matter which is used or designed to announce, declare, demonstrate, display or otherwise identify or advertise, or attract the attention of the public. However, a sign shall not include the following:

(1) Official notices authorized by a court, public body or public officer.

(2) Directional, warning or informational signs authorized by federal, state or municipal authority or public utility.

(3) A properly displayed official flag of a government, school, religious group, or non-profit organization.

(4) A memorial plaque, tablet or cornerstone indicating the name of a building and date of construction, when cut or carved into any masonry surface or when made of bronze or other incombustible material and made an integral part of the building or structure, not to exceed four (4) square feet in area.

(5) Signs within a building except window or wall signs as hereinafter defined.

(6) Christmas decorations and Christmas lights, from November 15 to January 15.

(x) "Subdivision Sign" shall mean a sign indicating the name of a recorded subdivision, the name of the contractor or subdivider, the name of the owner or agent, and/or giving information regarding directions, price and/or terms.

(y) "Subdivision Directional Sign" shall mean a sign indicating the name of a recorded subdivision and information regarding location. The name of the contractor or subdivider, the name of the owner or agent and/or information regarding price and/or terms may also be noted.

(z) "Temporary Sign" shall mean any banner, pennant, valance, balloon, streamer, placard, "A" frame, sandwich board or similar impermanent sign or advertising device or display with or without letters, words, numbers or figures thereon which directs, promotes service or price, or which is otherwise designed to attract attention, except for the following:

(1) For Sale or Rent Sign.

(2) Garage Sale Sign.

(3) Open House Directional Sign.

(4) Political Sign.

(5) Signs for Fireworks Stands, Pumpkin Sales, and Christmas Tree Sales Lots.

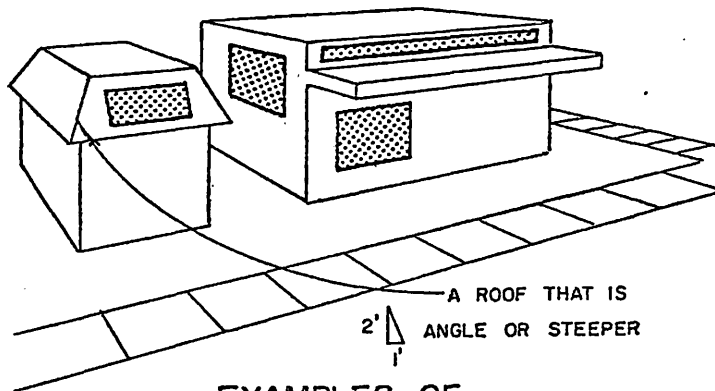
(6) Window Sign.

(7) Corporate Flag.

Paper signs tacked or otherwise fastened to a side of a building or bulletin board or outside a window are temporary signs unless enclosed in a frame with a glass, plexiglass, or equivalent cover. The sign area will be subject to the wall and canopy sign standards.

(aa) "Wall" shall mean any wall or element of a wall or any member or group of members, which defines the exterior boundaries or courts of a building or structure and which has a slope steeper than one (1) horizontal to (2) vertical, with the horizontal plane.

(ab) "Wall Sign" shall mean any sign painted on, attached to or erected against the wall of a building or structure with the exposed face of the sign in a place approximately parallel to the plane of the wall and which does not project beyond the top or ends of the wall. "Wall Sign" shall also mean any sign permanently displayed on the inside or outside of a window.



EXAMPLES OF
WALL SIGNS

(ac) "Window Sign" shall mean any sign temporarily displayed on the inside of a window or temporarily painted on a window and facing a street, highway, parking lot, walkway or mall.

(ad) "Zone" shall mean one of the various classes of areas into which the City has been divided by this chapter.

SEC. 10-2.3503. ADMINISTRATION.

(a) Duty to Enforce. It is the duty of the Chief Building Official to enforce all of the provisions of this article.

(b) Inspection. Every sign prior to erection in the City of Modesto shall be subject to approval by the Chief Building Official to assure compliance with all provisions of this article and all other laws and ordinances of the City.

(c) Compliance With Chapter; Nuisance; Abatement. The Council hereby determines that the public peace, safety, morals, health and welfare, require that all signs heretofore constructed, erected, or painted in violation of any law or ordinance of the City of Modesto in effect at the time such sign was constructed, erected, or painted be and they are hereby made subject to the provisions of this article, and shall conform and comply with such requirements forthwith, and that all signs which shall not so conform and comply and all signs which shall hereafter be constructed, erected, or painted in violation of the provisions of this article shall be and they are hereby declared public nuisances to be removed and abated in the manner provided herein.

(d) Permits Required. It shall be unlawful for any person to erect, alter, change, copy, or relocate within the City any sign as defined in this article without first obtaining a permit from the Chief Building Official and making payment of the fee required in subsection (i) of this section; except that the following listed signs are not required to have permits or pay permit fees, but shall meet all other requirements of this article.

- (1) Construction Sign.
- (2) For Sale or Rent Sign.
- (3) Garage Sale Sign.
- (4) Unlighted Interior Directional, Warning, or Information Sign.
- (5) Name Plate, one (1) square foot maximum size.
- (6) Open House Directional Sign.
- (7) Political signs permitted by Sections 10-2.3509 or 10-2.3510 of these sign regulations.
- (8) Signs for Fireworks Stands, Pumpkin Sales, and Christmas Tree Sale lots.
- (9) Subdivision Directional Sign.
- (10) Corporate Flag.

(e) Application for Permit. Application for sign permits shall be made upon forms provided by the Chief Building Official, and shall contain or have attached hereto the following information and material:

- (1) Name, address and telephone number of the owner of the property.
- (2) Name, address and telephone number of the applicant (owner of the sign).
- (3) Name, address and telephone number of the sign contractor, and contractor's state license number.
- (4) Location of the building, structure, or lot to which or upon which the sign is to be attached, erected, or painted.
- (5) Two (2) copies of a plan showing:

(aa) The position of the sign in relation to adjacent buildings or structures.

(ab) The design and size, structural details and calculations, and proposed location on the premises of such signs.

(ac) A statement showing the type, size, and dimensions of all signs existing on the premises at the time of making such application.

(ad) For canopy or wall signs, a statement designating the principal frontage of the building or structure upon which the sign is to be located.

(6) Such other information as the Chief Building Official shall require to show full compliance with this article and all other laws and ordinances of the City of Modesto.

(7) The Chief Building Official may waive the requirement for plans to be filed for small signs, and for a previously approved standard plan for sign supports provided the application is otherwise in compliance with conditions of approval of the standard plan.

(f) Permit Issued If Application In Order. It shall be the duty of the Chief Building Official, upon the filing of an application for a sign permit, to investigate the application, and if it shall appear that the proposed sign is in compliance with all the requirements of this article and all other laws and ordinances of the City, he shall then issue the sign permit. If the work authorized under a sign permit has not been completed within one hundred and twenty (120) days after date of issuance, the permit shall become null and void.

(g) Signs Falling Within Definition of One or More Type Signs. Whenever any sign, as defined in this article, falls entirely within the definitions of one or more type signs, it shall be subject to the provisions of the most restrictive category.

(h) Permit Issued in Error. If a sign permit is issued in error by the Chief Building Official and the sign does not comply with all of the requirements of this article and all other laws and ordinances of the City, the sign permit shall be null and void and no rights or privileges shall be conferred upon the permittee by said permit. The Chief Building Official shall include or cause to be included on the sign permit for all signs a notice that the issuance of the permit does not grant any right or privilege to erect or install any sign which is in violation of this article or of any other laws or ordinances of the City.

(i) Permit Fees. Each application for a sign for which a permit is required by this article and each application for a change of copy of any existing sign shall be accompanied by a sign permit fee as established by City Council resolution from time to time.

The required fees shall be doubled for any sign erected or painted prior to the securing of a sign permit when a sign permit is required.

(j) Maintenance of Signs. The owner of any sign as defined and regulated by this article, including supporting structures, shall keep the same in a presentable condition at all times. All painted signs and all supporting structures of any sign shall be repainted to keep them in good condition whenever such action is requested in writing by the Chief Building Official.

(k) Unsafe and Unlawful Signs. If the Chief Building Official shall find that any sign regulated herein is unsafe or insecure, or is a menace to the public, or is in a dilapidated, decayed, or neglected state, or has been constructed, erected, or painted or is being maintained in violation of the provisions of this article, he shall give written notice to the permittee or owner thereof. If the permittee or owner fails to remove or alter the structure or sign so as to comply with the standards herein set forth within ten (10) days after such notice, or within three (3) days for temporary signs, such sign may be removed or altered to comply by the Chief Building Official and any expense incidental thereto shall be paid by the permittee or owner of the property upon which it is located. No permit shall be issued thereafter to any permittee or owner who has not paid the costs so assessed. The Chief Building Official may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.

(l) Removal of the Copy of Certain Signs. The copy of any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product available for purchase by the public, shall be taken down, removed, painted over, or covered as approved by the Chief Building Official, by the owner, agent, or person having the beneficial use of the building, structure, or premises upon which such sign may be found. This action shall occur within ten (10) days after written notification from the Chief Building Official. Upon failure to comply with such notice within

the time specified in such order, the Chief Building Official is hereby authorized to take down, remove, paint over, or cover such sign or sign copy, or to cause such action to be taken. Any expense incidental thereto shall be paid by the owner of the building or structure to which such sign is attached, or by the owner of said sign.

SEC. 10-2.3509. SPECIFIC REQUIREMENTS FOR TYPE, AREA, AND HEIGHT OF SIGNS IN THE R-A, R-1, R-2, R-3 AND P-0 ZONES. It shall be unlawful for any person to erect, construct or maintain on any lot or parcel any sign of a type or having an area and/or height in violation of the following specific requirements:

(a) In the R-A Zone and the R-1 Zone, the following signs are permitted, except as otherwise stated:

(1) One (1) unlighted for sale or rent sign per street frontage, not exceeding eight (8) square feet in area and six (6') feet in height.

(2) Three (3) unlighted open house directional signs, each not exceeding three (3) square feet in area and forty-two (42") inches in height, which shall be permitted during daylight hours only, for each house or group of houses offered for sale by the same realtor at the same general location, provided they do not bear any advertising message other than the real estate office name, and that such signs are located wholly on private property with permission of the property owner on whose property they are located.

(3) One (1) wall mounted name plate not exceeding one (1) square foot in area.

(4) For uses permitted by conditional use permits additional signing as follows:

(aa) One (1) bulletin board or identification sign not exceeding twenty-five (25) square feet in area and six (6') feet in height.

(ab) Canopy and wall identification signs limited to one-half (0.5) square foot in combined sign area for each lineal foot of any wall, and not exceeding thirty-five (35') feet in height. Canopy and wall identification signs may have external illumination only; no internal illumination shall be permitted.

(5) One (1) construction sign not exceeding twenty (20) square feet in area and six (6') feet in height, provided that such sign shall be removed not later than thirty (30) days after construction is completed.

(6) One (1) subdivision sign not exceeding sixty-four (64) square feet in area and ten (10') feet in height for each recorded subdivision provided that such sign shall be removed not later than three (3) years from the recording date of the subdivision, except as follows:

(ad) where building permits have been taken out for more than one-half (1/2), but less than sixty-five (65%) per cent, of the lots in such subdivision at the end of said three (3) year period, such sign may remain for an additional one year period.

(ab) Where building permits have been taken out for one-half (1/2) or less of the lots in such subdivision at the end of said three (3) year period, such sign may remain for an additional two (2) year period.

(7) Unlighted subdivision directional signs not exceeding sixteen (16) square feet in area and six (6') feet in height for each recorded subdivision as follows:

(aa) When the boundaries of any recorded subdivision, or any part thereof abut a major street or expressway, one (1) subdivision directional sign shall be permitted, which sign may be located on any vacant lot or parcel which is owned by the subdivision owner.

(ab) When the boundaries of any recorded subdivision or any part thereof do not abut a major street or expressway but include or abut a collector street which directly connects to a major street or expressway, two (2) subdivision directional signs are permitted, which signs may be located as follows:

(i) One (1) such sign may be located on property not owned by the subdivision owner.

(ii) One (1) or both signs may be located only on property owned by the subdivision owner.

(ac) When the boundaries of any recorded subdivision or any part thereof, do not abut a major street or expressway and do not include or abut a collector street which directly connects to a major street or expressway, three (3) subdivision directional signs are permitted, which signs may be located as follows:

(i) One (1) such sign may be located on property not owned by the subdivision owner.

(ii) Any other or all signs may be located only on property owned by the subdivision owner.

(ad) Such signs shall be removed not later than three (3) years from the recording date of the subdivision, except as follows:

(i) Where building permits have been taken out for more than one-half (1/2), but less than sixty-five (65%) percent, of the lots in such subdivision at the end of said three (3) year period, such signs may remain for an additional one (1) year period.

(ii) Where building permits have been taken out for one-half (1/2) or less of the lots in such subdivision at the end of said three (3) year period, such signs may remain for an additional two (2) year period.

(8) Political signs which may be erected, maintained and displayed as follows:

(aa) On lots or parcels upon which there is located a residential structure, except that:

(i) The area of each such sign shall not exceed six (6) square feet.

(ii) The overall height shall not exceed six (6') feet.

(iii) The combined area of all such signs shall not exceed sixty (60) square feet.

(ab) On lots or parcels upon which there is not located a residential structure, except that:

(i) The area of each such sign shall not exceed thirty-two (32) square feet.

(ii) The overall height of each such sign shall not exceed ten (10') feet.

(iii) The combined area of all such signs shall not exceed one hundred (100) square feet.

(ac) Political signs shall not be lighted either directly or indirectly.

(ad) Political signs shall be erected no more than sixty (60) days prior to the date of election.

(ae) Political signs shall be removed within ten (10) days after the date of the election.

(9) Temporary signs are not permitted.

(10) Window signs are not permitted.

(11) Outdoor advertising signs are not permitted.

(12) Two (2) unlighted garage sale signs not exceeding three (3) square feet each in area may be displayed as follows:

(aa) Said signs may be displayed only during such times as the garage sale being advertised is actually being held or conducted.

(ab) Said signs may only be erected and displayed on private property with the consent of the owner thereof. They may not be erected or displayed on street trees, utility poles, or elsewhere in public rights-of-way.

(13) Interior directional, warning, and informational signs not exceeding six (6) square feet in area and six (6') feet in height.

(b) In the R-2 Zone, the following signs are permitted:

(1) Any signs permitted in the R-1 Zone.

(2) One (1) multiple family housing project sign per street frontage, each sign not exceeding twelve (12) square feet in area and six (6') feet in height.

(c) In the R-3 Zone, the following signs are permitted:

(1) Any signs permitted in the R-2 Zone.

(2) One (1) identification sign per street frontage for a boarding house, lodging house, or multiple family housing project, each sign not exceeding twelve (12) square feet in area and six (6') feet in height.

(d) In the P-0 Zone, the following signs are permitted:

(1) For any uses permitted in the R-3 Zone, except those permitted by conditional use permit, any signs permitted in the R-3 Zone excepting Section 10-2.3509(a)(4).

(2) For any uses permitted by conditional use permit in the R-3 Zone, any signs permitted in the R-3 Zone, including Section 10-2.3509(a)(4).

(3) For uses other than those permitted in the R-3 Zone, the following signs are permitted:

(aa) Any signs permitted in the R-3 Zone except Section 10-2.3509(a)(4).

(ab) For each site one (1) identification sign per street frontage, each sign not exceeding sixteen (16) square feet and eight (8') feet in height.

(ac) Canopy and wall identification signs limited to one-half (0.5) square foot in combined sign area for each lineal foot of any wall, and not exceeding thirty-five (35') feet in height. Canopy and wall identification signs may have external illumination only; no internal illumination shall be permitted.

(ad) One (1) corporate flag per use or occupancy, not exceeding twenty-four (24) square feet in area, dimensions relative to each other shall not exceed a ratio of 2:1. Such flags shall be flown only from a flagstaff or flagpole.

SEC. 10-2.3510. SPECIFIC REQUIREMENTS FOR TYPE, AREA AND HEIGHT OF SIGNS IN THE C-1, C-2, C-M, M-1, M-2, M-P, H-1, A-R, F, and P-D ZONES. It shall be unlawful for any person to erect, construct or maintain on any lot or parcel any sign of a type or having an area and/or height in violation of the following specific requirements:

(a) In the C-1 Zone, C-2 Zone, C-M Zone, M-1 Zone, M-2 Zone, and M-P Zone, the following signs are permitted except as otherwise stated:

(1) Only one (1) of the following signs for each use or occupancy:

(aa) Freestanding identification sign not exceeding seventy-two (72) square feet in area and twenty (20') feet in height, or

(ab) Projecting identification sign not exceeding seventy-two (72) square feet in area and thirty-five (35') feet in height. If any portion projects into or overhangs a public street or alley right-of-way, said sign shall not exceed forty-eight (48) square feet in area, or

(ac) Marquee identification sign at right angles to a street, not exceeding forty-eight (48) square feet in area and thirty-five (35') feet in height. A second such marquee identification sign is permitted if the two (2) signs are single-faced, are parallel, and are on opposite ends of a marquee.

(ad) Exception: Any sign existing on March 1, 1977, in the C or M Zones on a pylon which extends above a ridgeline shall be allowed to remain in addition to one (1) of the above signs as a non-conforming sign subject to abatement according to the schedule set forth in Section 10-2.3507.

(2) Subject to securing a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of Chapter 2 of Title X of this Code, a shopping center, as herein defined, shall be entitled to erect one (1) free-standing shopping center identification sign, hereinafter referred to as a "shopping center sign", for each street upon which the shopping center fronts subject to the following provisions:

(aa) Each shopping center sign shall not exceed seventy-two (72) square feet in area and twenty (20') feet in height.

(ab) The identification on each shopping center sign shall be limited to the shopping center name with either a reader board or a listing of uses within the center optional. The lettering for the reader board or the listing of such uses shall be of a size not greater than one-half (1/2) the size of the lettering of the shopping center name on such sign.

(ac) Any free-standing or projecting identification sign or signs erected at said shopping center on or after July 1, 1972, whether identifying said shopping center or any use or occupancy therein, shall be removed prior to obtaining a building permit for the erection of a shopping center sign.

(ad) After erection of a shopping center sign at a shopping center, even in those cases where the shopping center sign installation preceded this Code provision, no additional freestanding or projecting identification sign shall be erected at such shopping center for any use or occupancy therein.

(ae) In granting an application for a conditional use permit for a shopping center sign, the Board of Zoning Adjustment may impose such additional conditions as it deems appropriate to insure conformity with the purposes of this chapter and to insure compatibility with the surrounding area. Such conditions may include, but are not limited to, restrictions on area, height, length, and lighting, and requirements for landscaping and other beautification of the area immediately adjacent to the shopping center sign.

(af) In granting an application for a conditional use permit for a shopping center sign, the Board of Zoning Adjustment shall determine whether the applicant is a shopping center, and what uses or occupancies are included within such shopping center, after consideration of the following factors:

(i) A shopping center is usually comprised of a cluster of retail uses at one (1) location held out to the public as a distinct shopping area and having at least one (1) retail use with a minimum area for that use of twenty thousand (20,000) square feet, and having a minimum of five (5) other retail uses on the same or adjacent sites.

(ii) A shopping center is not normally traversed by any public streets.

(iii) The existence of and extent of membership of any merchants association.

(iv) The existence of any common advertising program for such center, or any uses or occupancies conducted therein, and the number of uses or occupancies conducted therein, and the number of uses or occupancies therein which participate in such program.

(3) For a freestanding tourist-oriented hotel, motel, restaurant or service station located on property within two hundred (200') feet of the freeway 99 right-of-way, one (1) freestanding identification sign, not exceeding one hundred and fifty (150) square feet in area and thirty-five (35') feet in height may be approved subject to the securing of a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of Chapter 2 of Title X of this Code.

(aa) Said use permit shall be dependent upon the following two findings being shown:

(i) That the use or occupancy is a free-standing use. For the purposes of this section, a free-standing use is defined as a use or occupancy that does not attract customers by its proximity to another business or businesses and is not part of a shopping center or any group of businesses that jointly attract customers through their proximity to each other or through common advertising.

(ii) That the use or occupancy cannot be adequately identified by other signs permitted in the C-1 Zone.

(ab) The Board of Zoning Adjustment may grant permission for said sign to be higher than thirty-five (35') feet if the applicant can show that a bridge over freeway 99 or ramps thereto obstruct visibility of said sign to the northbound or southbound lanes of freeway 99. Applicant shall also present plans illustrating the means by which the minimum height necessary to clear said visual obstruction was determined.

(4) Canopy, marquee, and wall identification signs, provided:

(aa) That said signs shall be limited to the portion of a building wherein the use or occupancy is conducted.

(ab) That the maximum total area for all said signs shall be limited as follows:

(i) For the principal frontage of the building as designated by the applicant:

<u>Building Frontage</u>	<u>Maximum Total Area for All Canopy, Marquee, and Wall Identification Signs</u>
First 50 feet	4 square feet per lineal foot of building frontage; plus
Next 50 feet	2 square feet per lineal foot of building frontage; plus
Over 100 feet	1 square foot per lineal foot of building frontage.

(ii) For each other frontage of the building:

<u>Building Frontage</u>	<u>Maximum Total Area for All Canopy, Marquee, and Wall Identification Signs</u>
First 50 feet	4 square feet per lineal foot of building frontage; plus
Next 50 feet	2 square feet per lineal foot of building frontage; plus
Over 100 feet	0.5 square foot per lineal foot of building frontage.

(ac) That said signs shall not exceed thirty-five (35') feet in height nor project above a ridgeline.

(ad) That signs hung from a canopy shall be not less than eight (8') feet above a private sidewalk or fifteen (15') feet above ground level in areas open to vehicular traffic.

(ae) That marquee signs shall be parallel with the building upon which they are mounted and parallel with the public street or alley into which they project or overhang.

(5) Directional signs located wholly on private property on the premises to which they pertain as follows:

(aa) One (1) exterior directional sign per use per street frontage of the site, not exceeding twelve (12) square feet in area and six (6') feet in height, and provided business identification shall not exceed one-half of the area on the given sign face.

(ab) Any number of interior directional signs, each not exceeding six (6) square feet in area and six (6') feet in height.

(ac) Two (2) maximum interior directional signs for a drive-in restaurant or other eating place with drive-through facilities, each sign not to exceed thirty (30) square feet in area and eight (8') feet in height.

(6) One (1) for sale or rent sign, not exceeding sixty-four (64) square feet in area and ten (10') feet in height.

(7) One (1) construction sign, not exceeding sixty-four (64) square feet in area and ten (10') feet in height, provided such sign is removed not later than thirty (30) days after construction is completed.

(8) One (1) marquee sign, not exceeding six (6) square feet in area on any one side or twelve (12) square feet maximum total area. Said sign may be hung from a marquee providing such sign shall be not less than eight (8') feet above a public sidewalk.

(9) Political signs may be erected, maintained, and displayed as follows:

(aa) Each such sign shall not exceed sixty-four (64) square feet in area.

(ab) The overall height of each such sign shall not exceed ten (10') feet.

(ac) The combined area of all such signs shall not exceed one hundred and fifty (150) square feet.

(ad) Such signs shall be erected no more than sixty (60) days prior to the date of the election, and shall be removed within ten (10) days after the election.

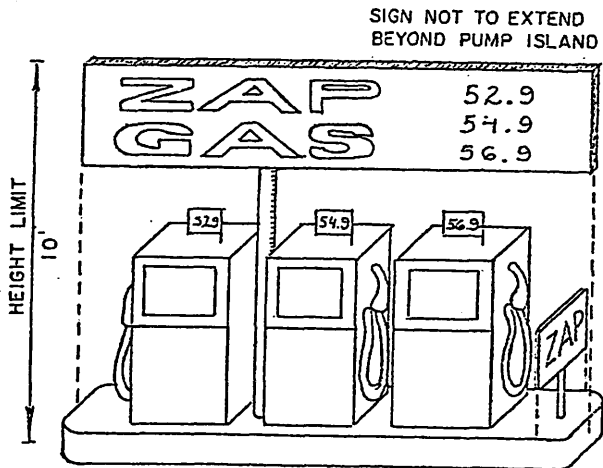
(10) Temporary signs are not permitted.

(11) Outdoor advertising signs are not permitted except as otherwise provided in this article.

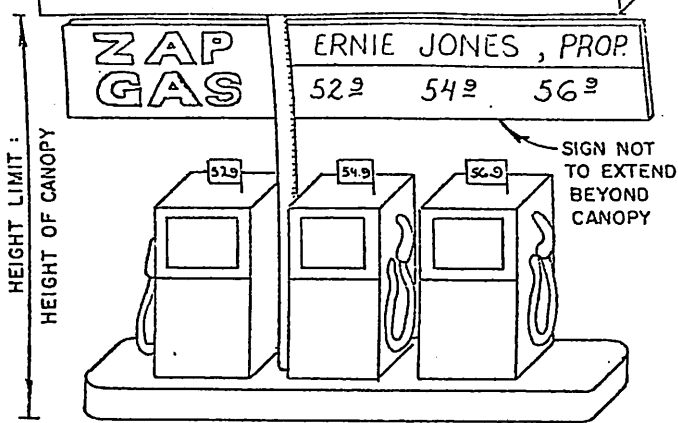
(12) Window signs are permitted.

(13) One (1) freestanding identification sign, not exceeding seventy-two (72) square feet in area and twenty (20') feet in height, which shall be permitted to identify a use without any structures, such as a parking lot. For pumpkin and Christmas tree sale lots, one (1) freestanding identification sign shall be permitted, not exceeding thirty-two (32) square feet in area and twelve (12') feet in height.

(14) Signs on service station pump islands, canopy up-rights, and non-movable structures on the pump islands, which shall be permitted if the combined area of said signs and all other wall and canopy signs do not exceed the total sign area permitted in subsection (4) above for the building on the site and do not project beyond the canopy roof or raised pump island. Said signs shall not exceed ten (10') feet in height if there is no canopy. For self-service service stations with small attendant booths less than ten (10') feet on any side, a maximum total wall and canopy sign area of one hundred and sixty (160) square feet is permitted.



SERVICE STATION WITHOUT A CANOPY



SERVICE STATION WITH A CANOPY

(15) One (1) corporate flag per use or occupancy, not exceeding twenty-four (24) square feet in area, dimensions relative to each other shall not exceed a ratio of 2:1. Such flags shall be flown only from a flagstaff or flagpole.

(b) In the H-1 Zone, the following signs are permitted:

(1) Any signs allowed in the C-1 Zone are permitted in the H-1 Zone for uses permitted in Section 10-2.2903 and Section 10-2.2903.1 excepting that freestanding, marquee, and projecting identification signs as allowed in Section 10-2.3510(a)(1) and freestanding shopping center identification signs as allowed in Section 10-2.3510(a)(2) are not permitted in the H-1 Zone.

(2) Any signs allowed in the R-3 Zone are permitted in the H-1 Zone for uses permitted in Section 10-2.2903.2.

(3) For a freestanding tourist-oriented hotel, motel, restaurant, or service station located on property within two hundred (200') feet of the freeway 99 right-of-way, one (1) freestanding identification sign, not exceeding one hundred and fifty (150) square feet in area and thirty-five (35') feet in height may be approved subject to the securing of a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of Chapter 2 of Title X of this Code.

(aa) Said use permit shall be dependent upon the following two findings being shown.

(i) That the use or occupancy is a freestanding use. For the purposes of this section, a freestanding use is defined as a use or occupancy that does not attract customers by its proximity to another business or businesses and is not part of a shopping center or any group of businesses that jointly attract customers through their proximity to each other or through common advertising.

(ii) That the use or occupancy cannot be adequately identified by other signs permitted in the H-1 Zone.

(ab) The Board of Zoning Adjustment may grant permission for said sign to be higher than thirty-five (35') feet if the applicant can show that an overcrossing of freeway 99 or ramps thereto obstructs visibility of said sign to the northbound or southbound lanes of freeway 99. Applicant shall also present plans illustrating the means by which the minimum height necessary to clear said visual obstruction was determined.

(4) For any other freestanding use or occupancy, one (1) freestanding identification sign not to exceed seventy-two (72) square feet in area and twenty (20') feet in height may be approved subject to the securing of a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of Chapter 2 of Title X of this Code. Said use permit will be dependent upon the following two (2) findings being shown:

(aa) That the use or occupancy is a freestanding use. For the purposes of this section, a freestanding use is defined as a use or occupancy that does not attract customers by its proximity to another business, or businesses and is not part of a shopping center or any group of businesses that jointly attract customers through their proximity to each other or through common advertising. •

(ab) That the use or occupancy cannot be adequately identified by other signs permitted in the H-1 Zone.

(c) In the A-R Zone, the following signs are permitted:

(1) For any uses in the A-R Zone that are also permitted in the R-A Zone, the R-A sign regulations shall apply.

(2) For any uses in the A-R Zone that are not permitted in the R-A Zone, the H-1 sign regulations shall apply.

(d) In the F Zone, the following signs are permitted:

Any sign allowed in the underlying zone. The Flood Plain Zone is an overlay zone that does not regulate signs.

(e) For P-D Zones and Unclassified Use Permits, the following signs are permitted:

Sign limitations shall be made a condition of each P-D Zone and unclassified use permit and approval shall be based on the provisions of the zoning classification most closely approximating the uses proposed in the P-D Zone or unclassified use permit.

SECTION 2. AMENDMENT OF CODE. Sections 10-2.248.1, 10-2.255.2, 10-2.502.2 and 10-2.801.1 are hereby added to Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.248.1. MOTOR HOME. A self-propelled motor vehicle which is designed for human habitation and which may contain plumbing, heating, or electrical equipment.

SEC. 10-2.255.2. RECREATIONAL VEHICLE. A collective term which may refer to any or all of the following: boat, boat trailer, camp car, camper, motor home, motorcycle trailer, travel trailer, and similar vehicles.

SEC. 10-2.502.2. SIGNS. Signs are permitted in the R-1 Zone subject to the provisions of Article 35 of this chapter.

SEC. 10-2.801.1. SIGNS. Signs are permitted in the C-1 Zone subject to the provisions of Article 35 of this chapter.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July.

1979, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: Bright

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

Ord. No. 1850-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 17th day of July, 1979, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Siefkin,
Acting Mayor Kullijian

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED

Harry Kullijian
ACTING MAYOR KULLIJIAN

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 16, 1979

ORDINANCE NO. 1851 -C.S.

AN ORDINANCE AMENDING SECTION MAP 19-3-10 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (MID-CAL LAND DEVELOPMENT)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 19-3-10 of the Zoning
Map is hereby amended to reclassify the following-described property
from Low Density Residential Zone, R-1, to
Planned-Development Zone, P-D (231) :

All the certain property situate in Section 19, Township 3 South,
Range 10 East, Mount Diablo Base and Meridian, located in the City
of Modesto, County of Stanislaus, State of California, described as
follows:

COMMENCING at the Northwest corner of said Section 19, thence South
0° 39' 16" East along the West line of Section 19, a distance of 661.18
feet to the true point of beginning of this description; thence con-
tinuing South 0° 39' 16" East along the West line of Section 19, a
distance of 661.18 feet; thence South 89° 42' 04" East 1257.81 feet;
thence North 0° 30' 48" West 655.78 feet; thence North 89° 27' 23"
West 1259.52 feet to the true point of beginning of this description.

Containing 18.644 acres

SECTION 2. USES. The following uses shall be permitted in said P-D(231) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

144 zero lot line single-family houses

SECTION 3. ZONING MAP. Section Map 19-3-10 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1979, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Muratore,
Seifkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Bright

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Michael C. Herrero*
Department of Planning and
Community Development

**Ordinance 1851 C.S.
Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

Ord. No. 1851-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 17th day of July, 1979, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Siefkin,
Acting Mayor Kullijian

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED

Harry Kullijian
ACTING MAYOR KULLIJIAN

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 16, 1979

ORDINANCE NO. 1852 -C.S.

AN ORDINANCE AMENDING SECTION MAP 12-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (MID-VALLEY INVESTMENT AND DEVELOPMENT COMPANY)

WHEREAS, a verified application for an amendment to Section 12-3-8 of the Zoning Map was filed by Mid-Valley Investment and Development Company

on April 13, 1979, to reclassify from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3, the hereinafter described property, and

WHEREAS, after public hearing held on May 29, 1979, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 79-143, adopted on May 29, 1979, the Planning Commission recommended to the Council that the application of Mid-Valley Investment and Development Company

to amend Section 12-3-8 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3, be approved,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. COUNCIL FINDINGS. After a public hearing held on July 3, 1979, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reason:

The proposed R-3 zoning conforms to the McKinney Colony Zoning and Development Plan.

SECTION 2. ZONING CHANGE. Section 12-3-8 of the Zoning

Map is hereby amended to reclassify the following described property

from Low Density Residential Zone, R-1,
to Medium High Density Residential Zone, R-3 :

All that certain real property situate in the Northeast Quarter of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the East Quarter corner of said Section 12; thence North $0^{\circ}42'15''$ West along the East line of said Section 12 1005.73 feet to the Southeast corner of Hollandia Estates recorded in Volume 27 of Maps, Page 69, Stanislaus County Records and the true POINT OF BEGINNING of this description; thence South $88^{\circ}58'33''$ West along the south boundary of said Hollandia Estates 395.46 feet; thence South $0^{\circ}42'15''$ East 718.96 feet to the Northerly Right-Of-Way line of M.I.D. Lateral No. 7; thence North $66^{\circ}06'27''$ East along said North Right-Of-Way of M.I.D. Lateral No. 7, 82.18 feet; thence Northeasterly 314.85 feet along said Northerly Right-Of-Way of M.I.D. Lateral No. 7 being a tangent curve, concave to the North having a radius of 762.00 feet and a central angle of $23^{\circ}40'27''$; thence North $42^{\circ}26'00''$ East along a tangent line and said Northerly Right-Of-Way of M.I.D. Lateral No. 7, 93.47 feet to said west line of Section 12; thence North $0^{\circ}42'15''$ West along said west line of Section 12 a distance of 441.18 feet to the point of beginning.

SECTION 3. ZONING MAP. Section 12-3-8 of the Zoning

Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1979, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Muratore, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Bright

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Michael C. Herrero
Department of Planning and
Community Development

Ordinance 1852 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

Ord. No. 1852-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 17th day of July, 1979, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Siefkin,
Acting Mayor Kullijian

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED

Harry Kullijian
ACTING MAYOR KULLIJIAN

ATTEST: Norrine Coyle
NORRINE COYLE City Clerk

EFFECTIVE DATE: August 16, 1979

ORDINANCE NO. 1853 -C.S.

AN ORDINANCE AMENDING SECTION MAP 23-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (PLANNING COMMISSION INITIATED - GARY DAVIS)

WHEREAS, on April 12, 1979, by Resolution No. 79-82, the Planning Commission initiated proceedings to amend Section 23-3-9 of the Zoning Map to reclassify from Planned-Development Zone, P-D(170), to Low Density Residential Zone, R-1, and Medium Density Residential Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on May 29, 1979, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 79-142, adopted on May 29, 1979, the Planning Commission recommended to the Council that the Planning Commission initiated proposal to amend Section 23-3-9 of the Zoning Map to reclassify the hereinafter described property from Planned-Development Zone, P-D(170), to Low Density Residential Zone, R-1, and Medium Density Residential Zone, R-2, be approved,

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. COUNCIL FINDINGS. After a public hearing held on July 3, 1979, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The P-D(170) zone no longer represents a real land development proposal and the P-D zone is therefore no longer needed.
2. The proposed R-1 and R-2 zoning is the same pattern of zoning that prevailed in the County prior to annexation and this pattern conforms to the Zoning and Development policy as contained in the Modesto Urban Area General Plan.
3. Reversion of obsolete or expired P-D zones is in conformance with City policy and Article 27 of the Zoning Regulations of the Modesto Municipal Code.

SECTION 2. ZONING CHANGE. Section 23-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned-Development Zone, P-D(170), to Low Density Residential Zone, R-1:

P-D(170) to R-1

Parcel No. 1

All that portion of Lot 4 of Elbert Tract, according to the Official Map thereof filed in the office of the Recorder of Stanislaus County, California, on January 21, 1908, in Volume 3 of Maps, at page 28, more particularly described as follows, to wit:

COMMENCING at the northwest corner of said Lot 4 at the center of the irrigation ditch; thence South 74° 58' East, 3.13 chains along the center of said irrigation ditch, and along the boundary of said Lot 4; thence South 0° 45' East 11.55 chains to the center of the County Road; and South boundary line of said Lot 4; thence North 67° 13' West 3.28 chains along the center of said County Road, and South boundary of said Lot 4; thence North 0° 45' West, 11.11 chains along the West boundary line of said Lot 4 to the point of commencement.

Parcel No. 2

The North 463.24 feet of the following described property:

All that portion of the Southwest quarter of the Southwest quarter of Section 23, in Township 3 South, Range 9 East, Mount Diablo Base and Meridian, bounded and particularly described as follows:

BEGINNING at a point North 89° 17' East 491.92 feet from a point on the Section line between Sections 22 and 23, above Township and Range, and 876.48 feet North of the Southwest corner of said Section 23; said point being the Northeast corner of land conveyed to Gerald H. Graham and wife, by Deed recorded August 29, 1932, in Volume 479 of Official Records, at page 29, as Instrument No. 8367, running thence South along the East line of said Graham's property 701.05 feet to the center line of County Road; thence South 74° East along center line of said County Road, a distance of 82 feet to a point; thence North and parallel with the East line of land of said Graham, a distance of 254 feet to a point; thence at right angles East 78.5 feet to a point on the East line of land conveyed to George Darby and wife, by Deed recorded December 20, 1933, in Volume 511 of Official Records, at page 251, as Instrument No. 8896; thence North along the East line of land of said George Darby and wife, 463.24 feet to the Northeast corner of land of said George Darby and wife; thence West along the North line of land of said George Darby and wife a distance of 153.92 feet to the point of beginning.

EXCEPTING THEREFROM all that Southerly portion of the above described Parcels No. 1 and No. 2 that is situated between the centerline of Scenic Drive and a line that is 325 feet North of and parallel to said centerline.

SECTION 3. ZONING CHANGE. Section 23-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned-Development Zone, P-D(170), to Medium Density Residential Zone, R-2:

P-D(170) to R-2

All that portion of the following described Parcels No. 1 and No. 2 that is situated between the centerline of Scenic Drive and a line that is 325 feet north of and parallel to said centerline.

Parcel No. 1

All that portion of Lot 4 of Elbert Tract, according to the Official Map thereof filed in the office of the Recorder of Stanislaus County, California, on January 21, 1908, in Volume 3 of Maps, at page 28, more particularly described as follows, to wit:

COMMENCING at the northwest corner of said Lot 4 at the center of the irrigation ditch; thence South 74° 58' East, 3.13 chains along the center of said irrigation ditch, and along the boundary of said Lot 4; thence South 0° 45' East 11.55 chains to the center of the County Road; and South boundary line of said Lot 4; thence North 67° 13' West 3.28 chains along the center of said County Road, and South boundary of said Lot 4; thence North 0° 45' West, 11.11 chains along the West boundary line of said Lot 4 to the point of commencement.

Parcel No. 2

The North 463.24 feet of the following described property:

All that portion of the Southwest quarter of the Southwest quarter of Section 23, in Township 3 South, Range 9 East, Mount Diablo Base and Meridian, bounded and particularly described as follows:

BEGINNING at a point North 89° 17' East 491.92 feet from a point on the Section line between Sections 22 and 23, above Township and Range, and 876.48 feet North of the Southwest corner of said Section 23; said point being the Northeast corner of land conveyed to Gerald H. Graham and wife, by Deed recorded August 29, 1932, in Volume 479 of Official Records, at page 29, as Instrument No. 8367, running thence South along the East line of said Graham's property 701.05 feet to the center line of County Road; thence South 74° East along center line of said County Road, a distance of 82 feet to a point; thence North and parallel with the East line of land of said Graham, a distance of 254 feet to a point; thence at right angles East 78.5 feet to a point on the East line of land conveyed to George Darby and wife, by Deed recorded December 20, 1933, in Volume 511 of Official Records, at page 251, as Instrument No. 8896; thence North along the East line of land of said George Darby and wife, 463.24 feet to the Northeast corner of land of said George Darby and wife; thence West along the North line of land of said George Darby and wife a distance of 153.92 feet to the point of beginning.

SECTION 4. ZONING MAP. Section 23-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 5. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 6. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1979, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Bright

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Michael C. Herrero
Department of Planning and
Community Development

Ordinance 1853 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

Ord. No. 1853-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 17th day of July, 1979, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Siefkin,
Acting Mayor Kullijian

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED

Harry Kullijian
ACTING MAYOR KULLIJIAN

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 16, 1979

ORDINANCE NO. 1854 -C.S.

AN ORDINANCE AMENDING SECTION MAP 30-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (R. T. Hughes Co.)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE. Section 30-3-9 of the Zoning
Map is hereby amended to reclassify the following-described property
from Light Industrial Zone, M-1 to
Planned-Development Zone, P-D (230) :

All that portion of Lots 7 and 8 of MAZE COLONY, as per Map filed
March 24, 1904, in Volume 1 of Maps, Page 83, Stanislaus County
Records, lying in Section 30, Township 3 South, Range 9 East, Mount
Diablo Base and Meridian, described as follows:

Beginning at the true Southeast corner of said Lot 8, said corner being
the intersection of the South line of 40-foot County Road known as
Kansas Avenue with the centerline of 30-foot Avenue known as Lone Palm
Avenue, running thence South 89° 49' West along the South line of
said Lot 8 and being also the South line of said Kansas Avenue, a distance
of 360.40 feet to a point that bears North 89° 49' East 299.60 feet from
the true Southwest corner of said Lot 8; thence North 0° 58' West parallel
with the West line of said Lot 8, a distance of 40 feet to a point on the
North line of said Kansas Avenue and being the South corner of land con-
veyed to Manuel S. Gonsalves, et ux by Deed recorded February 2, 1944;
as Instrument No. 1683; thence North 0° 01' East along the East line of
said Gonsalves land, a distance of 294.05 feet to the Northeast corner
thereof; thence North 89° 49' East parallel with the South line hereof
a distance of 355.40 feet to the East line of said Lot 7 and being the
centerline of Lone Palm Avenue; thence South 0° 58' East along the East
line of said Lots 7 and 8 and the centerline of said Lone Palm Avenue,
a distance of 334 feet to the point of beginning.

Excepting therefrom all that portion of Kansas Avenue that is situated
between the centerline of Kansas Avenue and the South line of the
above-described property.

SECTION 2. USES. The following uses shall be permitted in said **F-D (230) Zone** subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

- a. A condominium building(s) and land area for all uses allowed in the M-1, Light Industrial Zone.
- b. Off-street parking areas as shown on the approved plan on file in the office of the Director of Planning and Community Development.

SECTION 3. ZONING MAP. Section Map 30-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 19 , by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore,
Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By

Michael C. Herrero
Department of Planning and
Community Development

Ord. No. 1854-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of July, 1979, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 23, 1979

Ordinance 1854 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

ORDINANCE NO. 1855 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1656-C. S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 8-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (RULE DEVELOPMENT).", AS PREVIOUSLY AMENDED BY ORDINANCE NO. 1804-C. S.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF ORDINANCE NO. 1656-C. S. Section 2 of Ordinance No. 1656-C. S., as previously amended by Ordinance No. 1804-C. S., is hereby amended to read as follows:

SECTION 2. USES. The following uses shall be permitted in said P-D(172) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. 236 one and two-story dwelling units accompanied by meandering common open space, recreational facilities, a recreation building, tennis courts, and off-street parking areas.
2. 3.71 acre commercial area with up to 6 separate C-1 businesses accompanied by off-street parking and common driveways, accessways, and landscaping.
3. 2.13 acre professional office condominium accompanied by off-street parking, common driveway, accessways, and landscaping.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1979, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

Ord. No. 1855-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of July, 1979, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:


AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED


MAYOR PEGGY MENSINGER

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 23, 1979

ORDINANCE NO. 1856 -C.S.

AN ORDINANCE AMENDING SECTIONS 4-1.601 AND 4-1.602 OF ARTICLE 6 OF CHAPTER 1 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO MUSIC IN PUBLIC PLACES.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 4-1.601 and 4-1.602 of Article 6 of Chapter 1 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-1.601. HOURS FOR PUBLIC PLACES. It shall be unlawful for any person, whether as owner, principal, employee, servant, agent or guest, to operate or cause or permit to be operated any radio, or to play or permit any music of any kind to be played, or any entertainment of a noisy character to be carried on in any restaurant, cafe, ice cream parlor, drive-in or other place where food or refreshments are served in the City, or any poolroom, billiard hall or other similar place of amusement in the City after the hour of 12:00 midnight and until the hour of 8:00 the following morning. Provided, however, that upon the granting of a permit by the Chief of Police of the City as provided in Section 4-1.602, the time within which music and entertainment is permitted may be extended from 12:00 midnight to 2:00 a.m.

SEC. 4-1.602. PERMIT MAY BE APPLIED FOR. The owner or operator of a place of business described in Section 4-1.601 hereof desiring to provide music or entertainment after 12:00 midnight up to 2:00 a.m. may apply to the Chief of Police for a permit to do so. The Chief of Police shall thereupon investigate the premises and location thereof and if he finds that said premises are located or constructed in such a manner that the playing of music or presentation of entertainment will not disturb surrounding residents he may grant such permit. Such permit may be revoked by the Chief of Police at any time when the music or entertainment disturbs the peace and quiet or becomes offensive to the surrounding or nearby residents. If such permit is revoked the establishment shall not play or permit music to be played or entertainment of a noisy character to be carried on after the hour of 12:00 midnight.

If the Chief of Police refuses to issue a permit, the applicant within thirty (30) days thereafter may appeal in writing to the Council, which shall hear the matter; and the Council shall either grant said permit or refuse the same if in its discretion it finds that the premises are not a proper place for said music or entertainment. If the Chief of Police revokes a permit, the same right of appeal shall be granted to the applicant.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of July, 1979, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Siefkin,
Acting Mayor Kullijian

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

APPROVED:

Harry T. Kullijian
~~REC'D COMMUNICATIONS CLERK, Mayor~~
HARRY T. KULLIJIAN, Acting Mayor

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

Ord. No. 1856-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of July, 1979, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 23, 1979

ORDINANCE NO, 1857 -C.S.

AN ORDINANCE AMENDING SECTION MAP 26-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO, PREZONING
CERTAIN PROPERTY LOCATED THEREON. (JOAQUIN CONSTRUCTION)

The Council of the City of Modesto does ordain as follows:

SECTION 1. ZONING CHANGE, Section 26-3-9 of the
Zoning Map is hereby amended to prezone the following-described
property to Planned-Development Zone, P-PD(232):

ALL that certain real property situate in a portion of the Northeast quarter
of Section 26, Township 3 South, Range 9 East, Mount Diablo Base and Meridian,
and lying within the County of Stanislaus, State of California, described
as follows:

COMMENCING at the East quarter corner of said Section 26, as shown on
that certain map entitled "LINCOLN SQUARE" filed in Volume 24 of Maps
at Page 36, Stanislaus County Records; thence the following two (2) courses
and distances; (1) South $0^{\circ}32'27''$ East, 10.00 feet; (2) South $89^{\circ}57'$
 $33''$ East, 20.00 feet to the POINT OF BEGINNING and the center line
intersection of Lincoln Avenue and Penny Lane as shown on said map;
thence North $89^{\circ}57'33''$ West along said center line of Penny Lane and
its Northwesterly prolongation thereof, a distance of 1005.32 feet
to the intersection with the Easterly line of Parcel 1 as shown
on that certain parcel map filed in Volume 1 of Parcel Maps at Page
134, Stanislaus County Records; thence North $0^{\circ}32'50''$ West along
said Easterly line of Parcel 1, and along the Easterly line of Parcel
1-A as shown on said map, a distance of 559.01 feet; thence North-
westerly along said Easterly line of Parcel 1-A along a tangent curve
to the left having a radius of 500.00 feet through a central angle of
 $20^{\circ}27'21''$, an arc distance of 178.51 feet to the intersection with
the Southeasterly right-of-way line of the Modesto Irrigation District
Lateral No. 2 as shown on said map; thence along said Southeasterly
right-of-way line of Lateral No. 2, a distance of 823.4 feet more or
less; thence leaving said Southeasterly right-of-way line
North $89^{\circ}27'33''$ East, 380.00 feet, to the intersection with the said
center line of Lincoln Avenue; thence South $0^{\circ}32'27''$ East along said
center line, a distance of 1231.0 feet to the point of beginning.

Containing. 24.8 acres of land more or less.

SECTION 2. USES. The following uses shall be permitted in said P-PD(232) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code. Said uses are as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to the issuance of a building permit:

- 105 zero lot line patio homes
- 114 condominiums
- An existing ranch house
- Recreational vehicle storage area
- Common recreational facilities

SECTION 3. ZONING MAP. Section Map 26-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1979, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: Peay Mensinger
PEAY MENSINGER, Mayor

ATTEST: Norrine Coyne
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William J. Nichols
Department of Planning and
Community Development

Ord. No. 1857-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of August, 1979, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Siefkin

APPROVED

Reggy Mensinger
MAYOR REGGY MENSINGER

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 6, 1979

Ordinance 1857 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

AN ORDINANCE AMENDING SECTION 3-2.808 OF ARTICLE 8 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO COASTERS, ROLLER SKATES AND SIMILAR DEVICES.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 3-2.808 of Article 8 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.808. USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES RESTRICTED. It shall be unlawful for any person upon roller skates or riding on or by means of a skate board, coaster or similar device to go upon any roadway in the city or upon the sidewalk in any business district as defined by Section 235 of the Vehicle Code of the State of California. Provided, however, the Council may, by resolution, grant approval for the use of roadways and sidewalks for organized skating events of community-wide interest and importance. In granting such approval, the Council may impose such conditions, restrictions and requirements as it deems necessary or desirable in order to protect the public interest and promote the general welfare.

SECTION 2. DECLARATION OF EMERGENCY. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure inasmuch as the Active 20-30 Club of Modesto has planned, and requested approval for, a team competition street skating event on Sunday, August 26, 1979, on the streets surrounding the Stanislaus County Courthouse. The proceeds from the event are to be donated to various charities. Unless the ordinance is adopted as an emergency ordinance it will not be possible for this event to be held as requested.

SECTION 3. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall go into effect and be in full force and operation as of the date of its adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full in the Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1979, by Councilmember Lang, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

ORDINANCE NO. 1859-C.S.

AN ORDINANCE AMENDING SECTION 3-2.808 OF ARTICLE 8 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO COASTERS, ROLLER SKATES AND SIMILAR DEVICES.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 3-2.808 of Article 8 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.808. USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES RESTRICTED. It shall be unlawful for any person upon roller skates or riding on or by means of a skate board, coaster or similar device to go upon any roadway in the city or upon the sidewalk in any business district as defined by Section 235 of the Vehicle Code of the State of California. Provided, however, the Council may, by resolution, grant approval for the use of roadways and sidewalks for organized skating events of community-wide interest and importance. In granting such approval, the Council may impose such conditions, restrictions and requirements as it deems necessary or desirable in order to protect the public interest and promote the general welfare.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto on the 24th day of July, 1979, by Councilmember Lang, who moved its introduction and passage to print, which motion

being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:


PEGGY MENSINGER, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN E. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of August, 1979, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Siefkin

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 6, 1979

ORDINANCE NO. 1860 -C. S.

AN ORDINANCE AMENDING SECTIONS 4-1.1012 AND 4-1.1016 OF ARTICLE 10 OF CHAPTER I OF TITLE IV OF THE MODESTO MUNICIPAL CODE , RELATING TO BINGO GAMES.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 4-1.1012 and 4-1.1016 of Article 10 of Chapter 1 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-1.1012. HOURS OF OPERATION. No permittee shall conduct bingo games more than six (6) hours out of any one day. No bingo game shall be conducted before 9:00 a. m. or after 12:00 o'clock midnight.

SEC. 4-1.1016. PARTICIPANTS. No person shall be allowed to participate in a bingo game, unless the person is physically present at the time and place in which the bingo game is being conducted. No permittee shall issue chips or money to a patron on credit or loan (including but not limited to IOU's and checks to be held) or allow any patron to otherwise play on credit. No person shall be allowed to buy more than twelve (12) bingo cards in any one day nor be allowed to play more than twelve (12) bingo cards in any one game, provided, however, the Chief of Police may, by rules and regulations adopted pursuant to Section 4-1.1022 hereof allow, in addition thereto, the purchase of a limited number of additional bingo cards for the playing of a certain number of special limited bingo games. No person who is in a state of intoxication shall be allowed to participate in a bingo game. No person under the age of eighteen (18) years shall be allowed to participate in any bingo game.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1979, by Councilmember Muratore, who moved its introduction and passage to print, which motion being

duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Sierkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney