

Clark

ORDINANCE NO. 2631 -C.S.

AN ORDINANCE AMENDING ARTICLE 11 OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO PRUNED REFUSE.

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

SECTION 1. AMENDMENT OF CODE. Article 11 of Chapter 7 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

ARTICLE 11. COLLECTION OF PRUNED REFUSE

SEC. 4-7.1101. DECLARATION OF PURPOSE.

This article is enacted as an exercise of the general police power of the City to promote the maintenance of the public health and safety by systemizing the collection of pruned refuse in the City.

SEC. 4-7.1102. DEFINITION.

The words, "pruned refuse" as used in this article shall mean and include tree trimmings and similar materials. Ashes, soil, rocks, cement, building materials, paper, garbage, leaves, weeds, grass cuttings, vines, shrubbery or similar materials will not be collected by the City. Between November 1 and December 31 of each year, leaves may be placed separately in City streets in conformance with Section 4-7.1103. Leaves are not to be combined with pruned refuse.

SEC. 4-7.1103. PLACEMENT FOR COLLECTION.

The following regulations shall govern the placement of pruned refuse for collection by the City. Failure to comply with any regulation shall be unlawful and punishable as an infraction.

- (a) Place. Persons desiring to have pruned refuse collected by the City shall place it in the abutting alley, if one exists. Where alleys do not exist, pruned refuse shall be placed in the abutting street for collection. During designated leaf season, leaves shall be placed in the abutting street at all locations.
- (b) Location. Pruned refuse and leaves during the designated leaf season placed in streets shall not be combined but be placed in separate piles in a compact manner and shall not extend into the street more than four (4) feet, nor shall the closest edge of the pile be placed less than one (1) foot from the face of the curb, or in case no curb exists, from the low point of the gutter, so as to permit drainage. Pruned refuse and leaves

will not be collected when obstructed by parked vehicles, overhead obstruction, or not immediately accessible to the collection vehicle. With the exception of leaf season, no power blowers or any other method shall be used to blow or move any nonpruned refuse into the streets at any time. Pruned refuse placed in alleys shall be placed in a compact manner and shall not extend into the alley more than three (3) feet.

- (c) Piling. Pruned refuse shall be placed in a single compact pile, and only in front of, in the rear of, or on the side of, as the case may be, the property where it was accumulated.
- (d) Size. All tree limbs put out for collection shall not exceed six (6') feet in length or six (6") inches in diameter, and no single piece shall weigh more than fifty (50) pounds.
- (e) Time. Pickup will be on a once-a-month basis and pruned refuse may only be placed in conformance with this section during the time designated by the Public Works and Transportation Director at the beginning of pickup week. Pruned refuse shall not be placed out for collection more than seventy-two (72) hours prior to the first Monday of each month.
- (f) Leaves. Leaves shall be collected in the street only between November 1 and December 31 of each year or as directed by the Public Works and Transportation Director. Leaves shall be placed separately from pruned refuse, grass clippings, shrubbery, Christmas trees and other similar materials. Leaves shall not be placed in plastic bags for collection by the City.
- (g) Containers. All refuse (grass clippings, leaves, twigs, shrubbery) shall be placed in containers of not more than ninety (90) gallons nor less than sixty (60) gallons capacity unless authorized by the Public Works and Transportation Director.
- (h) Christmas Trees. Christmas trees are to be placed in street or alley with pruned refuse to be collected by the City. Wooden tree stands attached to Christmas trees are acceptable for collection by the City.

SEC. 4-7.1104. FREQUENCY OF COLLECTION.

It is the objective of this article that pruned refuse be collected once a month in all areas of the City to the maximum extent possible within the limitations of the personnel and equipment available.

SEC. 4-7.1105. DUMPING PROHIBITED.

It shall be unlawful for any person to pile or dump any pruned refuse adjacent to or in any vacant lot or vacant property unless such person owns or leases said lot or property or has written permission from the owner to deposit said refuse material in said lot or property. The dumping or depositing of pruned refuse on park strips and storm drain inlets is prohibited.

SEC. 4-7.1106. ADMINISTRATION OF COLLECTION SERVICE.

The Public Works and Transportation Director shall be responsible for the operation of the City pruned refuse collection service and leaf season pickup. He shall have charge and supervision of collection and removal, and shall prescribe and establish routes and days for the collection and removal of pruned refuse or leaves from various parts of the City, and may change the same from time to time. When such routes or days of collection are established or changed, he shall give notice thereof to the public in such a manner as he deems best. He shall have the power to implement this article by issuing such traditional rules, regulations and instructions in writing as he deems necessary to carry out the purpose and intent of this article.

SEC. 4-7.1107. RIGHT TO REFUSE COLLECTION.

No collection will be made by the City of any pruned refuse or leaves which are placed for collection in violation of the provisions of this article, or any rules or regulations issued pursuant thereto.

SEC. 4-7.1108. COLLECTION BY OTHERS.

Nothing contained in this article shall prohibit the collection of pruned refuse or leaves by private persons, corporations or associations who are licensed to do so; provided, however, that pruned refuse or leaves shall not be placed in the street or pruned refuse placed in the alley except for collection by the City.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3)

prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of January, 1989, ~~1988~~, by Councilmember Patterson, 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: Irizarry, Lang, Muratore, Patterson

NOES: Councilmembers: McGrath, Mayor Whiteside

ABSENT: Councilmembers: Sutton

APPROVED:


CAROL G. WHITESIDE, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2631-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 January, 1989, Councilmember Irizarry 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: Irizarry, Lang, Muratore, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: McGrath

ABSENT: Councilmembers: None

APPROVED 
MAYOR CAROL G. WHITESIDE

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 9, 1989

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ORDINANCE NO. 2632 -C.S.

AN ORDINANCE AMENDING SECTION MAP 17-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(460), PROPERTY LOCATED ON THE SOUTHWEST CORNER OF JUDITH LANE AND TIMOTHY AVENUE (MARK POWELL).

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

SECTION 1. ZONING CHANGE. Section 17-3-9 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(460):

All that certain real property situate in a portion of the southeast quarter of Section 17, 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:

Lots 1, 2, 3, and 4 in Block 6133 of the Hudelson Tract, as per map filed on December 9, 1946 in Volume 16 of Maps at page 9, Stanislaus County Records.

Including also the west 30.00 feet of 60.00-foot wide Timothy Avenue, south 30.00 feet of 60.00-foot wide Judith Lane, east 10.00 feet of the adjacent 20.00 foot wide alley and all immediately contiguous to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(460) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. One story office building allowing all P-O zone uses.
2. Off-street parking as shown on the approved plan.

SECTION 3. ZONING MAP. Section Map 17-3-9 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of January, 1989, by Councilmember Sutton, who moved its introduction and passage to print, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: Muratore

ABSENT: Councilmembers: None

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By William Davis
Department of Planning and
Community Development

Ord. No. 2632-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 January, 1989, Councilmember McGrath 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: Irizarry, Lang, McGrath, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: Muratore
ABSENT: Councilmembers: None

APPROVED *Carol G. Whiteside*
MAYOR CAROL G. WHITESIDE

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 23, 1989

26-2

ORDINANCE NO. 2633 -C.S.

AN ORDINANCE AMENDING SECTION MAP 14-3-9 OF THE ZONING MAP TO REPEAL P-D(314) AND REZONE TO R-1, PROPERTY LOCATED ON THE NORTH SIDE OF MERLE AVENUE EAST OF OAKDALE ROAD. (ARLO HILKEY)

WHEREAS, the City Council, by Ordinance No. 2071-C.S., which became effective on September 24, 1981, amended Section Map 14-3-9 of the Zoning Map to rezone to Planned Development Zone, P-D(314), to allow a 10 unit town house development in addition to the existing single-family dwelling and outbuildings, property located on the north side of Merle Avenue east of Oakdale Road, and

WHEREAS, the City Council, by Resolution No. 81-720, adopted on August 18, 1981, approved the development schedule for P-D(314) which specified that the entire construction program be accomplished in two phases:

Phase I - start on or before August 1, 1982, and completed by August 1, 1983.

Phase II - start on or before September 1, 1986, and completed by September 1, 1987.

and

WHEREAS, by Resolution No. 82-94 adopted on June 7, 1982, the Planning Commission granted a one-year time extension to Phase I of the development schedule for P-D(314), and

WHEREAS, construction of P-D(314) has not proceeded in accordance with the development schedule, and

WHEREAS, by Resolution No. 88-119, adopted on November 7, 1988, the Planning Commission initiated proceedings to repeal P-D(314) and rezone the property to R-1, and

WHEREAS, a public hearing was held by the Planning Commission at its regular meeting on December 5, 1988, in the City Council Chambers, City Hall, 801 11th Street, Modesto, at which hearing evidence both oral and documentary was received and considered, and thereafter the Planning Commission, by Resolution 88-130 found and determined that the repeal of Planned Development Zone, P-D(314), and rezoning the property back to Low Density Residential Zone, R-1, is required by public necessity, convenience and general welfare for the following reasons:

1. P-D(314) did not develop within the extended time limits of the revised development schedule.
2. Section 10-2.1710(c) of the Municipal Code calls for repeal or modification of expired P-D zones.

and

WHEREAS, by Resolution No. 88-130, adopted December 5, 1988, the Planning Commission recommended to the Council that Section Map 14-3-9 of the Zoning Map be amended to repeal P-D(314) and rezone the property hereinafter described to Low Density Residential Zone, R-1, and

WHEREAS, said matter was set for public hearing before the Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, in the City of Modesto, at 4:00 p.m. on January 17, 1989, at which time evidence, both oral and documentary, was taken and introduced,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended rezoning of Planned Development Zone, P-D(314), to Low Density Residential Zone, R-1, is required by public

necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 88-130, and quoted above.

SECTION 2. ZONING CHANGE. Section 14-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(314), to Low Density Residential Zone, R-1:

P-D to R-1

Lot 1, Hilkey Subdivision, as recorded in Volume 26 of Maps, page 43, Stanislaus County Records.

Including also all of the northern 30.00 feet of Merle Avenue located immediately adjacent to the above described property.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of January, 1989, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

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

Ord. No. 2633-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 January, 1989, Councilmember Sutton 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED *Carol G. Whiteside*
MAYOR CAROL G. WHITESIDE

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 23, 1989

Check

ORDINANCE NO. 2634 -C.S.

AN ORDINANCE AMENDING SECTION MAP 7-3-9 OF THE ZONING MAP TO REPEAL P-D(156) AND REZONE TO R-3, PROPERTY LOCATED ON THE WEST SIDE OF TULLY ROAD NORTH OF STANDIFORD AVENUE. (JOHN WARD)

WHEREAS, the City Council, by Ordinance No. 1588-C.S., which became effective on April 13, 1977, amended Section Map 7-3-9 of the Zoning Map to rezone to Planned Development Zone, P-D(156), to permit construction of a commercial complex, property located on the west side of Tully Road north of Standiford Avenue, and

WHEREAS, the City Council, by Resolution No. 77-238, adopted on February 28, 1977, approved the development schedule for P-D(156) which specified that the entire construction program be accomplished in one phase, with construction to start on or before May 1, 1980, and completion to be by May 1, 1983, and

WHEREAS, by Resolution No. 80-92 adopted on April 7, 1980, the Planning Commission granted a three-year extension of time to the development schedule for P-D(156), and

WHEREAS, by Resolution No. 82-58, adopted on March 1, 1982, the Planning Commission recommended an amendment to P-D(156), and

WHEREAS, the City Council by Ordinance No. 2123-C.S., effective June 3, 1982, amended P-D(156) for a commercial development plus a temporary non-attendant vehicle storage facility, property on the west side of Tully Road north of Standiford Avenue, and

WHEREAS, City Council Resolution No. 82-325, adopted on April 20, 1982, approves the revised development plans for P-D(156) and establishes the development schedule as follows:

Phase I, the vehicle storage facility, start construction on or before May 1, 1983; completion by May 1, 1986; to be established only until June 30, 1987.

Phase II, the commercial development, start on or before May 1, 1986, completion by May 1, 1988.

WHEREAS, construction of P-D(156) has not proceeded in accordance with the amended development schedule, and

WHEREAS, by Resolution No. 88-121 adopted on November 7, 1988, the Planning Commission initiated proceedings to repeal P-D(156) and rezone the property to R-3, and

WHEREAS, a public hearing was held by the Planning Commission at its regular meeting on December 5, 1988, in the City Council Chambers, City Hall, 801 11th Street, Modesto, at which hearing evidence both oral and documentary was received and considered, and thereafter the Planning Commission, by Resolution 88-133 found and determined that the repeal of Planned Development Zone, P-D(156), and rezoning the property back to Medium High Density Residential Zone, R-3, is required by public necessity, convenience and general welfare for the following reasons:

1. P-D(156) did not develop within the extended time limits of the revised development schedule.
2. Section 10-2.1710(c) of the Municipal Code calls for repeal or modification of expired P-D zones.

and

WHEREAS, by Resolution No. 88-133, adopted December 5, 1988, the Planning Commission recommended to the Council that Section Map 7-3-9 of the Zoning Map be amended to repeal P-D(156) and rezone the property hereinafter described to Medium High Density Residential Zone, R-3, and

WHEREAS, said matter was set for public hearing before the Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, in the City of Modesto, at 4:00 p.m. on January 17, 1989, at which time evidence, both oral and documentary, was taken and introduced,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended rezoning of Planned Development Zone, P-D(156), to Medium High Density Residential Zone, R-3, is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 88-133, and quoted above.

SECTION 2. ZONING CHANGE. Section 7-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(156), to Medium High Density Residential Zone, R-3:

P-D to R-3

All that certain real property lying in the Northeast quarter of Section 7 Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

Commencing at the East quarter corner of said Section 7; said corner being the centerline intersection of Standiford Avenue with Tully Road; thence North 1°14'15" West, along the East line of said Section 7, and said centerline of Tully Road, a distance of 747.74 feet to the point of beginning of this description; thence South 88°45'45" West, 504.92 feet to a point on the West line of Parcel 1-A, as filed in Volume 15 of Parcel Maps at Page 64, Stanislaus County Records; thence North 0°24'59" West, along said West line of Parcel 1-A, a distance of 308.96 feet; thence North 88°45'45" East, 500.44 feet to a point on said East line of Section 7, and said centerline of Tully Road; thence South 1°14'15" East, along said East line of Section 7, and said centerline of Tully Road, a distance of 308.96 feet to the point of beginning.

Containing: 3.565 acres

SECTION 3. ZONING MAP. Section 7-3-9 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of January, 1989, by Councilmember Irizarry, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By William Prudis
Department of Planning and Community Development

Ord. No. 2634-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 January, 19 89, Councilmember Sutton 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED *Carol Whiteside*
MAYOR CAROL G. WHITESIDE

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 23, 1989

Clerk

ORDINANCE NO. 2635 -C.S.

AN ORDINANCE AMENDING SECTION MAP 20-3-9 OF THE ZONING MAP TO REPEAL P-D(213) AND REZONE TO R-1, PROPERTY LOCATED ON THE NORTH SIDE OF GRISWOLD AVENUE WEST OF MCHENRY AVENUE. (ROBERT TALENT)

WHEREAS, the City Council by Ordinance No. 1813-C.S., which became effective on March 29, 1979, amended Section Map 20-3-9 of the Zoning Map to rezone to Planned Development Zone, P-D(213), to allow a two-story condominium complex, property located on the north side of Griswold Avenue, west of McHenry Avenue, and

WHEREAS, the City Council, by Resolution No. 79-129, adopted on February 13, 1979, approved the development plan for P-D(213) and establishes the development schedule calling for start of construction on or before January 1, 1980 and completion to be by January 1, 1981, and

WHEREAS, by Resolution No. 81-258 adopted on December 21, 1981, the Planning Commission granted a one year time extension to the development schedule for P-D(213), and

WHEREAS, the City Council, by Ordinance No. 2115-C.S., which became effective on April 22, 1982, amended the uses for P-D(213) to allow a two-dwelling addition to an existing dwelling at 125 Griswold Avenue, on the north side of Griswold Avenue west of McHenry Avenue, and

WHEREAS, City Council Resolution No. 82-243, adopted on March 16, 1982, approves the development plan for P-D(213) and establishes the development schedule calling for start of construction on or before January 1, 1983 and completion to be by January 1, 1984, and

WHEREAS, by Resolution No. 83-9 and Resolution No. 84-25 adopted on January 17, 1983 and February 6, 1984 respectively, the Planning Commission granted extensions of time to the development schedule for P-D(213), and

WHEREAS, on September 3, 1985, by Resolution No. 85-169 the Planning Commission initiated proceedings to repeal P-D(213) and on September 16, 1985, by Resolution No. 85-191 recommended repeal of P-D(213), and

WHEREAS, on October 22, 1985, by Resolution No. 85-810 the City Council granted a revised building schedule calling for start of construction on or before October 22, 1986, and completion to be by October 22, 1987, and

WHEREAS, construction of P-D(213) has not proceeded in accordance with the amended development schedule, and

WHEREAS, by Resolution No. 88-120, adopted on November 7, 1988, the Planning Commission initiated proceedings to repeal P-D(213) and rezone the property to R-1, and

WHEREAS, a public hearing was held by the Planning Commission at its regular meeting on December 5, 1988, in the City Council Chambers, City Hall, 801 11th Street, Modesto, at which hearing evidence both oral and documentary was received and considered, and thereafter the Planning Commission, by Resolution 88-131 found and determined that the repeal of Planned Development Zone, P-D(213), and rezoning the property back to Low Density Residential Zone, R-1, is required by public necessity, convenience and general welfare for the following reasons:

1. P-D(213) did not develop within the extended time limits of the revised development schedule.
2. Section 10-2.1710(c) of the Municipal Code calls for repeal or modification of expired P-D zones.

and

WHEREAS, by Resolution No. 88-131, adopted December 5, 1988, the Planning Commission recommended to the Council that Section Map 20-3-9 of the Zoning Map be amended to repeal P-D(213) and rezone the property hereinafter described to Low Density Residential Zone, R-1, and

WHEREAS, said matter was set for public hearing before the Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, in the City of Modesto, at 4:00 p.m. on January 17, 1989, at which time evidence, both oral and documentary, was taken and introduced,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended rezoning of Planned Development Zone, P-D(213), to Low Density Residential Zone, R-1, is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 88-131, and quoted above.

SECTION 2. ZONING CHANGE. Section 20-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(213), to Low Density Residential Zone, R-1:

P-D to R-1

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

Lot 3 of Mission Grove Tract, in the City of Modesto, County of Stanislaus, State of California, according to the official map thereof, filed in the Office of the Recorder of Stanislaus County, California, on June 13, 1917, in Volume 8 of Maps, at page 50.

Including also the northerly 25 feet of Griswold Avenue immediately adjacent to said Lot 3.

Containing 1.06 acres.

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.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of January, 1989, by Councilmember Sutton, who moved its introduction and passage to print, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By William Fields
Department of Planning and Community
Development

Ord. No. 2635-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 January, 1989, Councilmember Sutton 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:	Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

APPROVED Carol Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 23, 1989

11/11/11
8

ORDINANCE NO. 2636-C.S.

AN ORDINANCE AMENDING SECTIONS 10-2.1009, 10-2.2102 AND 10-2.2110 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO SIGN REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.1009 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.1009. OUTDOOR DISPLAY, SALES AND PROMOTIONS.

- (a) All merchandise or displays and all storage or sales areas shall be within a completely enclosed building or structure, except that the following may be conducted outdoors:
 - (1) Newspaper vending.
 - (2) Plant and floral display.
 - (3) Plant sales, plant nursery.
 - (4) Restaurant outdoor dining area.
 - (5) Vehicular fuel sales.
 - (6) Vending machines.
 - (7) Outdoor displays authorized by the City Council such as the certified farmers market or sidewalk sales as specified below.
 - (8) Other outdoor sales, displays or promotions which are permitted by the zone and for which a conditional use permit has been obtained.
 - (9) Small recycling collection facility.
- (b) The display or sale of goods, merchandise or services which are customary indoor uses shall be allowed outdoors, limited to three (3) times in number during any twelve (12) month period for each business, subject to these conditions:
 - (1) All sales shall be conducted by a business located on the property.
 - (2) All merchandise or services displayed outdoors shall be of the same types ordinarily sold indoors at the business conducting the sale.
 - (3) Each display or sale shall be limited to a maximum of three (3) consecutive days.

- (4) No display shall encroach on a public right-of-way.
 - (5) Each display or sale shall be subject to the sign regulations of this chapter.
 - (6) Prior to any display or sale, a permit for such shall be obtained from the Director.
- (c) Outdoor promotions or events are permitted by a licensed business, merchant association, school, charitable or not-for-profit organization. Promotions or events shall not promote or display the goods or services of any business on the premises and shall be subject to all other limitations in the Modesto Municipal Code, including those governing carnivals, circuses, dances and outdoor sound equipment and noise. Examples of such promotions or events are carnivals, circuses, animal rides, car shows, sporting events, and other exhibitions.
 - (d) Outdoor fund-raising sales by school, charitable or not-for-profit organizations are permitted if the sale is carried on wholly by the organization and it will derive, both directly and indirectly, any and all profits to be derived from the sale. Such sales are not permitted solely by reason of sponsorship by a school, charitable or not-for-profit organization.
 - (e) Outdoor display or sale of goods or services by itinerant vendors as defined by the Modesto Municipal Code is prohibited.
 - (f) Use of a hot air balloon for a promotion or event shall be limited to three (3) times in number during any twelve-month period for each business.
 - (g) Outdoor display or sale of any item of personal property on vacant or unimproved land is prohibited. This prohibition shall not apply to sales of fireworks, Christmas trees, pumpkins, or other seasonal items as permitted under this Article.
 - (h) It shall be unlawful and punishable as an infraction for any person to display, sell, or promote for sale any item in violation of the provisions of this Section.

SECTION 2. AMENDMENT OF CODE. Section 10-2.2102 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.2102. 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.



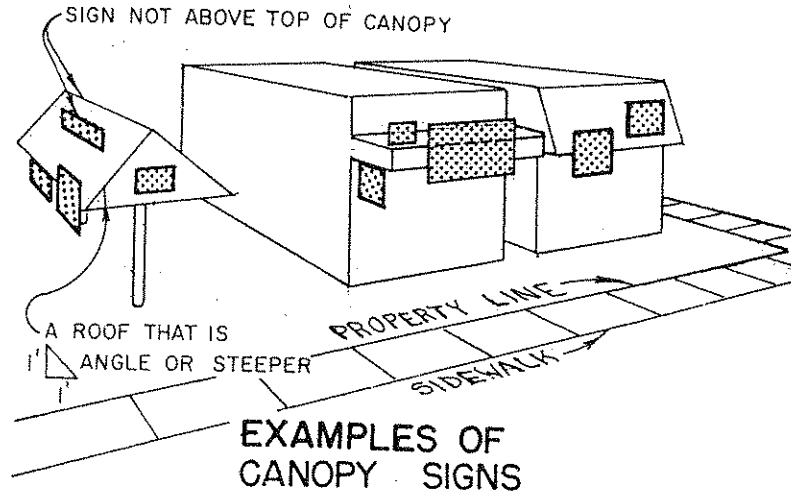
EXAMPLES OF SIGN AREA

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.

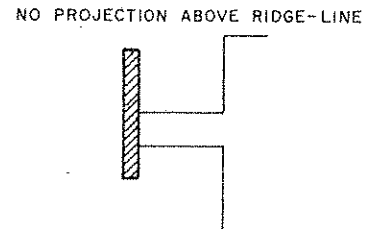
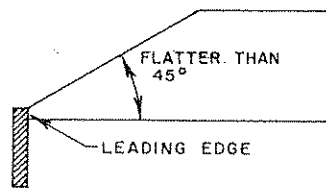
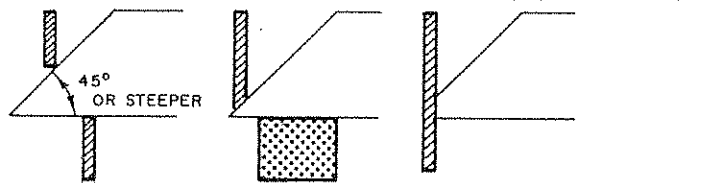
- (b) "Bench Sign" shall mean a City-franchised bus bench located outdoors with advertising matter thereon.

- (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 and which:
 - (1) is mounted in a vertical plane.
 - (2) is mounted parallel to the leading edge of a canopy except for an under canopy sign which may be mounted at an angle to the leading edge of a canopy.
 - (3) does not project above the top of the canopy when mounted on a canopy with a slope of forty-five (45) degrees (one [1] horizontal to one [1] vertical) or steeper, and which may be mounted anywhere on the slope.
 - (4) does not project above the leading edge of the canopy when mounted on a canopy with a slope flatter than forty-five (45) degrees.

- (5) on a flat canopy (no slope), projects above the top of the canopy but does not project higher than the wall of the building to which the canopy is attached.



CANOPIE SIGNS

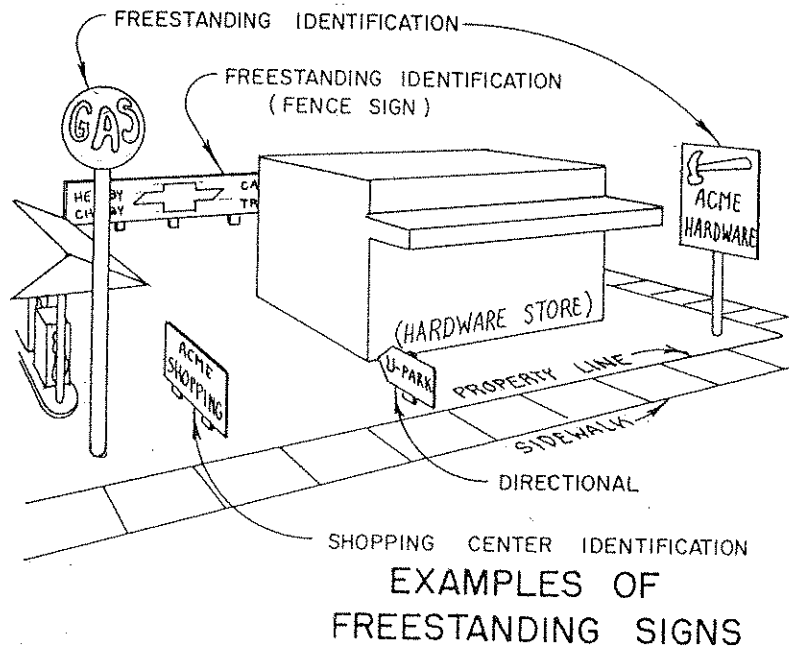


MARQUEE SIGNS

ANY OF THE ABOVE SIGNS THAT OVERHANG A PUBLIC STREET OR ALLEY IN PART OR IN TOTAL.

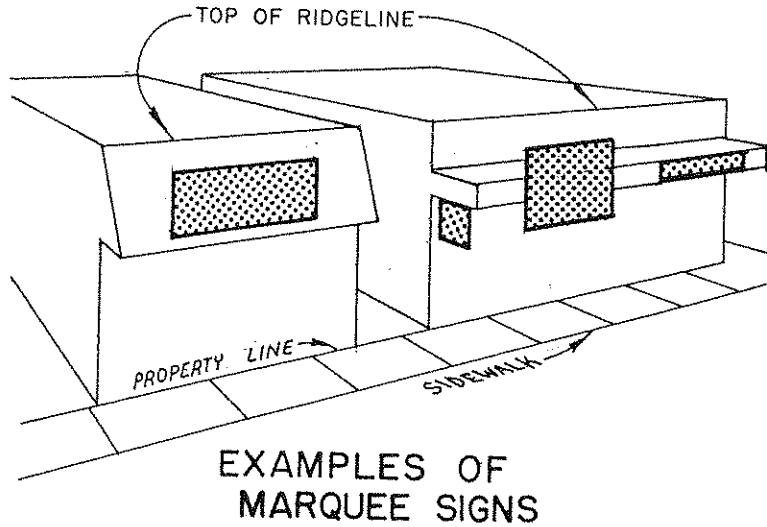
SIGNS ON CANOPIES, ROOFS, MARQUEES

- (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.
- (g) "Corporate Flag" shall mean a flag identifying a business or firm.
- (h) "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.
- (i) "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.
- (j) "Freestanding Sign" shall mean a sign detached from any building or structure, and the supports of which are permanently affixed in the ground.



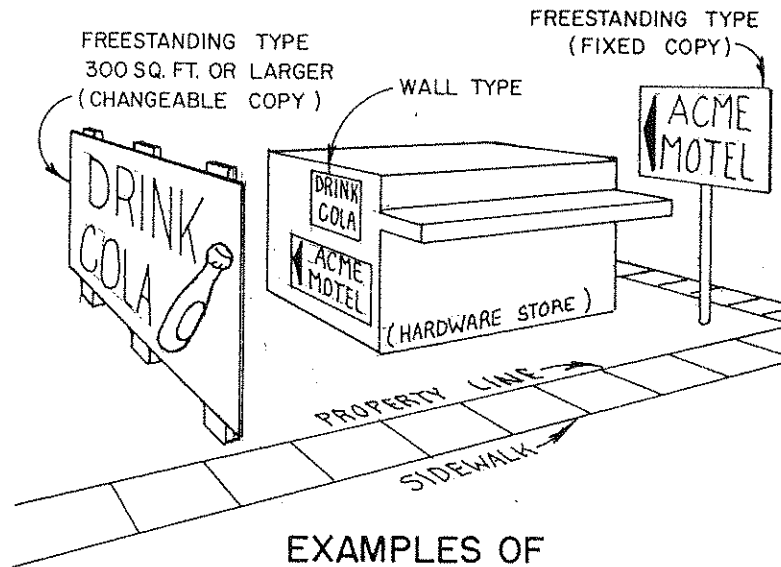
- (k) "Garage Sale Sign" shall mean a sign which is used to advertise the sale of used or secondhand goods or merchandise at dwellings and on residentially zoned property; such sales are also commonly known as patio sales, yard sales, etc.
- (l) "Height" shall mean the vertical distance from the highest 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.
- (m) "Hot Air Balloon" shall mean a balloon that is filled with heated air, has a gondola, and is capable of rising and floating in the atmosphere with people aboard.
- (n) "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.
- (o) "Lighted Sign" shall mean any sign which is illuminated either directly or indirectly by artificial light.
- (p) "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.
- (q) "Marquee Sign" shall mean a sign attached to or hung from a marquee and which:
 - (1) Is mounted in a vertical plane.
 - (2) Is mounted parallel to the leading edge of a marquee, except for an under marquee sign which may be mounted at an angle to the leading edge of a marquee.

- (3) Does not project higher than the wall of the building to which the marquee is attached.



- (r) "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.
- (s) "Outdoor Advertising Sign" shall mean any of the following:
- (1) Commercial: Any sign, excepting a bench sign, that directs attention to a business, profession, product, commodity, or mercantile-oriented service that is not the primary business, profession, product, commodity or mercantile-oriented service sold, manufactured, conducted, or offered on the site on which the sign is located.

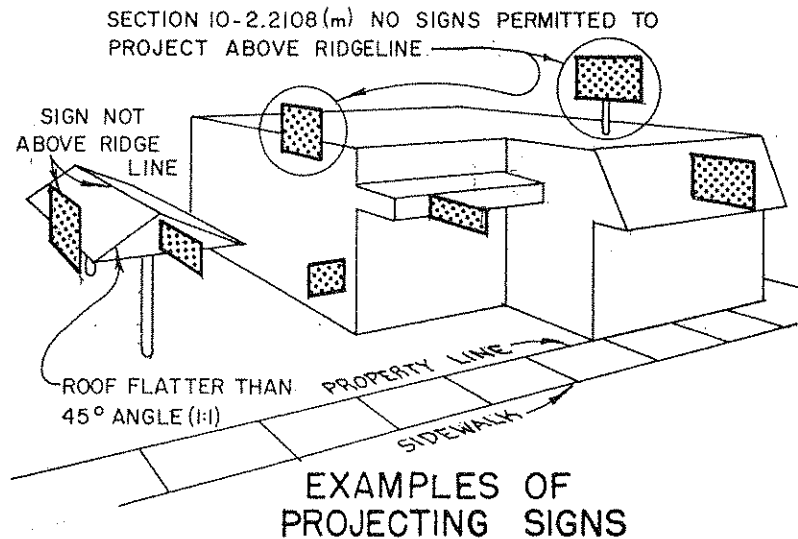
- (2) Noncommercial: Any sign, excepting a bench sign, which does not direct attention to a business, profession, product, commodity or mercantile-oriented service. This includes but is not limited to any sign expressing a personal, political, religious or social message, idea or point of view.



EXAMPLES OF
OUTDOOR ADVERTISING SIGNS

- (t) "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.
- (u) "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 10-2.2110(a)(4) of these regulations.
- (v) "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).



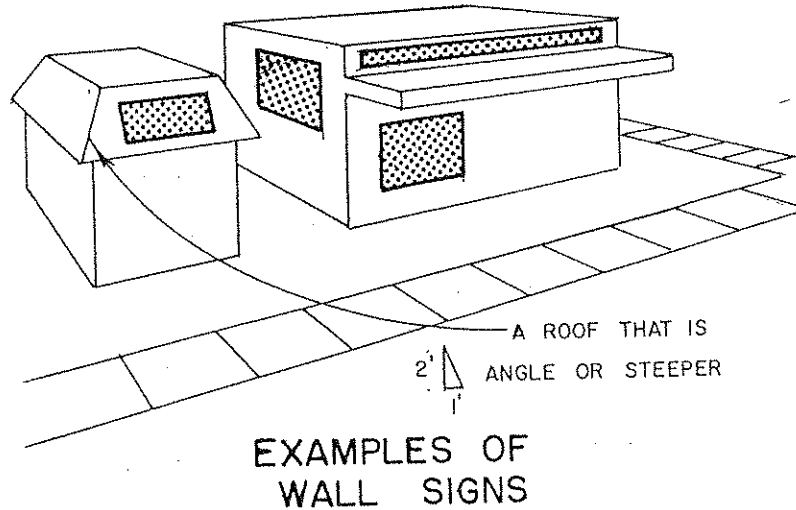
- (w) "Ridgeline" shall mean the peak of the roof, the top of a parapet, or the top of the wall of a building.
- (x) "Sign" shall mean any structure, device, letter, figure, character, poster, picture, trademark or reading matter which is used or designed to announce, declare, demonstrate, display or 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 nonprofit 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.
- (7) Hot Air Balloon.
- (y) "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.
- (z) "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.
- (aa) "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) Sign for fireworks stands, pumpkin sales, Christmas tree sales lots, and temporary certified farmers markets.
 - (6) Window Sign.
 - (7) Corporate Flag.
 - (8) Banners for grand openings and banners for outdoor display or sale of goods.

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.

- (ab) "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 two (2) vertical, with the horizontal plane.
- (ac) "Wall Sign" shall mean any sign painted on, attached to or erected against the wall of a building 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.



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

SECTION 2. AMENDMENT OF CODE. Section 10-2.2110 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.2110. SPECIFIC REQUIREMENTS FOR TYPE, AREA AND HEIGHT OF SIGNS IN THE C-1, C-2, C-3, C-M, M-1, M-2, B-P 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, C-2, C-M, M-1 and M-2 zones, 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 nonconforming sign subject to abatement according to the schedule set forth in Section 10-2.2107.
- (2) One (1) freestanding identification sign for a shopping center, as herein defined, 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 (0.5) the size of the lettering of the shopping center name on such sign.
 - (ac) Any freestanding 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) A shopping center, eligible for a freestanding identification sign, is usually characterized by a cluster of retail uses:
 - (i) At one (1) location held out to the public as a distinct shopping area and having a minimum of five (5) retail uses on the same or adjacent sites.
 - (ii) On one (1) or more parcels not normally traversed by any public streets.
 - (iii) With membership in a merchants association comprising the cluster.
 - (iv) That employ a common advertising program for such a center.
- (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 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 in accordance with Article 25 of Chapter 2 of Title X of this Code.
 - (aa) Said use permit shall be dependent upon the following two (2) 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 C-1 zone.
 - (ab) The Board 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 fourteen and one-half (14.5) feet above ground level in areas open to vehicular traffic.

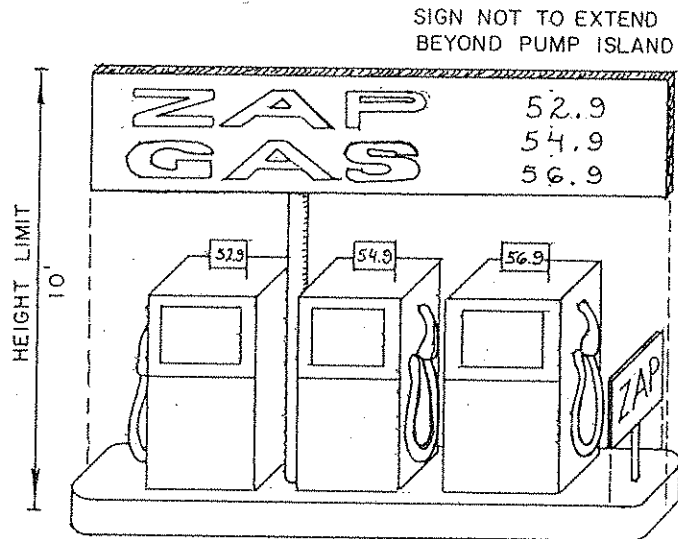
(5) Directional signs located wholly on private property on the premises to which they pertain as follows:

(aa) One (1) exterior directional sign per use per street frontage of the site, not exceeding twelve (12) square

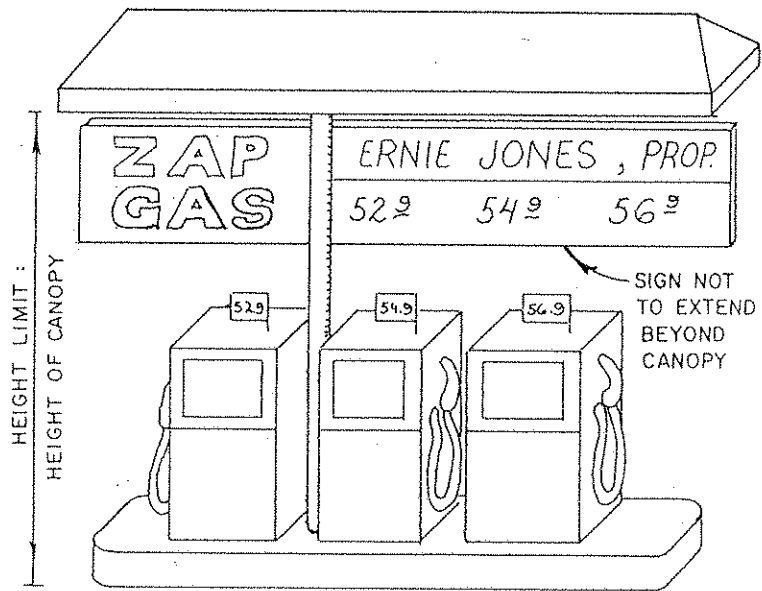
feet in area and six (6) feet in height, and provided business identification shall not exceed one-half (0.5) of the area on a given sign face.

- (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) sign hung from a marquee per street frontage for a given use, not exceeding six (6) square feet in area on any one side or twelve (12) square feet maximum total area. Said sign shall be not less than eight (8) feet above a public sidewalk and may be mounted at an angle to the leading edge of a marquee.
- (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 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 uprights, and nonmovable 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 sixty (160) square feet is permitted.



SERVICE STATION WITHOUT A CANOPY



SERVICE STATION WITH A CANOPY

- (15) Freestanding motor fuel price signs are permitted, as hereinafter specified, for businesses dispensing motor fuel to the public. The message on said signs shall be limited to specifying the prices and grades of motor fuel,

self-service or full service, and brand name of the motor fuel, as required by the California Business and Professions Code. Motor fuel price signs shall be permitted as follows:

- (aa) One (1) motor fuel price sign per street frontage of the site.
 - (ab) Maximum area shall be twenty-five (25) square feet for the self-service portion of the sign and six (6) square feet for a discount for cash portion of the sign; twenty-five (25) square feet for the full-service portion of the sign and six (6) square feet for a discount for cash portion of the sign; all can be combined as one (1) sign.
 - (ac) Maximum height of sign shall be fourteen (14) feet.
- (16) 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.
- (17) Banners for grand openings and banners for outdoor display or sale of goods may be erected and displayed as follows:
- (aa) One banner per street frontage.
 - (ab) Each banner shall not exceed seventy-two (72) square feet in area.
 - (ac) Each banner shall not exceed thirty-five (35) feet in height, or the ridgeline of the roof of the building, whichever is lower. If the banner is placed on a freestanding structure, the sign shall not exceed twenty (20) feet in height.
 - (ad) Banners for a grand opening shall be permitted for no more than fourteen (14) days at a newly opened business, after obtaining a permit from the Director. Banners are not permitted for grand openings of businesses not located on the premises.
 - (ae) Banners for outdoor display or sale of goods shall be permitted only in conjunction with the three (3) permitted outdoor display, sales and promotions, after obtaining a permit from the Director.
- (b) In the C-3 zone, the following signs are permitted:
- (1) Any signs allowed in the C-1 zone are permitted in the C-3 zone for uses permitted in Section 10-2.1205 excepting that freestanding, marquee, and projecting identification

signs as allowed in Section 10-2.2110(a)(1) and freestanding shopping center identification signs as allowed in Section 10-2.2110(a)(2) are not permitted in the C-3 zone.

- (2) Any signs allowed in the R-3 zone are permitted in the C-3 zone for uses permitted in Section 10-2.1204.
- (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 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 in accordance with Article 25 of Chapter 2 of Title X of this Code.
 - (aa) Said use permit shall be dependent upon the following two (2) 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 C-3 zone.
 - (ab) The Board 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 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) 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 in accordance with Article 25 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 C-3 zone.
- (c) In the B-P zone, the following signs are permitted:
- (1) Any signs allowed in the C-1 zone are permitted in the B-P zone for uses permitted in Section 10-2.1602 excepting that freestanding, marquee, and projecting identification signs as allowed in Section 10-2.2110(a)(1) and freestanding shopping center identification signs as allowed in Section 10-2.2110(a)(2) are not permitted in the B-P zone.
 - (2) For each parcel, one freestanding identification sign not exceeding seventy-two (72) square feet in area and six (6) feet in height.
 - (3) One freestanding identification sign for a business park, as herein defined, for each street on which the business park fronts may be approved subject to the approval of a plot plan by the Board of Zoning Adjustment and subject to the following provisions:
 - (aa) Each business park sign shall not exceed seventy-two (72) square feet in area and six (6) feet in height.
 - (ab) The identification on each business park sign shall be limited to the business park name, and logo.
 - (ac) A business park, eligible for a freestanding identification sign, is characterized by a cluster of business park uses:
 - (i) In a contiguous area that can be traversed by public streets, of at least fifty (50) acres held out to the public as a single development.
 - (ii) Represented by a single association or organization.
- (d) For P-D zones the following signs are permitted:
- Sign limitations shall be made a condition of each P-D zone and approval shall be based on the provisions of the zoning classification most closely approximating the uses proposed in the P-D zone.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of January, 1988, by Councilmember McGrath, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Ord. No. 2636-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 January, 1989, Councilmember Sutton 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED *Carol G. Whiteside*
MAYOR CAROL G. WHITESIDE

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 23, 1989

ORDINANCE NO. 2637 -C.S.

AN ORDINANCE AMENDING SECTIONS 2-8.01 AND 2-8.02 OF CHAPTER 8 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO CAMPAIGN REFORM.

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

SECTION 1. AMENDMENT OF CODE. Section 2-8.01 of Chapter 8 of Title II of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 2-8.01. DECISION-MAKING PROHIBITION.

- (a) No member of the Council of the City of Modesto, shall make, participate in making or in any way attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know he/she has a financial interest. Whenever used in this chapter, the words "member of the Council" shall include the Mayor.
- (b) A member of the Council has a financial interest in a decision within the meaning of subsection (a) if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effects on the public generally, on a major campaign contributor to that member.
- (c) A major campaign contributor to a member of the Council, within the meaning of subsection (b), is a person or entity that has contributed One Thousand and no/100ths (\$1,000.00) Dollars or more in the aggregate over the past forty-eight (48) months (or since the effective date of this chapter, whichever is shorter) to that member of the Council or to a spouse, immediate family member and/or to a campaign committee controlled by that member. Contributions include monies, loans, debts incurred, property-in-kind, or things having a monetary value incurred or received by a candidate or his/her agent or other person on behalf of the candidate for use in advocating the election of the candidate.
- (d) In the case of contributions of One Thousand and no/100ths (\$1,000.00) Dollars or more that are made to a committee not controlled by a candidate for the City Council but which committee expends money in support of a candidate for the City Council a portion of such contribution shall be deemed to have been made to the member or candidate in support of whom the committee expended money. The amount of such deemed contribution shall be determined by multiplying the contribution to the committee by that fraction obtained by

dividing the total expenditures of the committee by the amount expended by the committee in support of the candidate. Whenever used in this chapter the words "candidate" or "candidate for Council" shall include any candidate for Mayor.

SECTION 2. AMENDMENT OF CODE. Section 2-8.02 of Chapter 8 of Title II of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 2-8.02. DISCLOSURE.

- (a) In addition to any statements of campaign contributions and expenditures required by state law to be filed with the City Clerk, a summary of contributions received and expenditures made for election in the current year up to 5 p.m. of the seventh day preceding election day, shall be prepared by all candidates for the Council of the City of Modesto and which shall be received by the City Clerk by 5 p.m. on the fifth day preceding the election of members of the Council. Said summary shall be filed on the form required by state law for reporting contributions and expenditures and shall include the names of all contributors from whom contributions in excess of Ninety-nine and no/100ths (\$99.00) Dollars were received at or before 5 p.m. of the seventh day preceding election day. For purposes of the summary, contributions shall include the items listed in subsection (c) of Section 2-8.01 of this code. In addition to listing such contributions, said summary shall also include a list of all unpaid financial obligations incurred by the candidate in the course of the campaign for election to the Council in that calendar year. Unpaid financial obligations shall include material and work ordered by the candidate for the campaign for election, or by his/her committee but not yet paid for and loans taken out by the candidate or his/her committee for purpose of funding the campaign for election.
- (b) By 5 p.m. of the fourth day preceding the election of members of the Council, the Clerk shall prepare an alphabetical list by donor and recipient of all campaign contributions exceeding Ninety-nine and no/100ths (\$99.00) Dollars. Said list shall be made available by the City Clerk to the media and members of the public.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January, 1989, 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: Irizarry, Lang, Muratore, Patterson,
Sutton, Mayor Whiteside

NOES: Councilmembers: McGrath

ABSENT: Councilmembers: None

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Ord. No. 2637-C.S.

FINAL ADOPTION CLAUSE

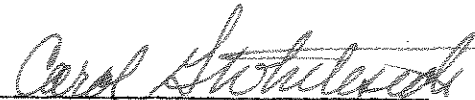
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of January, 1989, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Sutton,
Mayor Whiteside

NOES: Councilmembers: McGrath, Patterson

ABSENT: Councilmembers: None

APPROVED



MAYOR CAROL G. WHITESIDE

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 23, 1989

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ORDINANCE NO. 2638-C.S.

AN ORDINANCE GRANTING THE APPEAL OF MICHAEL MINSON ON BEHALF OF MERRILL L. STONE TO THE DECISION OF THE PLANNING COMMISSION RELATING TO AN AMENDMENT TO SECTION 7-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO MEDIUM DENSITY RESIDENTIAL ZONE, R-2, PROPERTY LOCATED ON THE EAST SIDE OF CARVER ROAD NORTH OF MONTCLAIR DRIVE.

WHEREAS, a verified application for an amendment to Section 7-3-9 of the Zoning Map was filed by Michael Minson on behalf of Merrill L. Stone, on October 17, 1988, to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located on the east side of Carver Road north of Montclair Drive, the hereinafter described property, and

WHEREAS, a public hearing was held by the Planning Commission on December 5, 1988 and continued to December 19, 1988 in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearings evidence both oral and documentary was received and considered, and

WHEREAS, after considering said evidence, the Planning Commission found and determined that rezoning of the property as requested was not required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 88-144, and

WHEREAS, an appeal to the decision of the Planning Commission's denial of the request to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located on the east side of Carver Road north of Montclair Drive was filed with the Office of the City Clerk by Michael Minson on behalf of Merrill L. Stone by letter dated December 20, 1988, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on January 24, 1989, and

WHEREAS, after hearing evidence both oral and documentary the Council found and determined that said appeal to the denial of the requested rezoning of the property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located on the east side of Carver Road north of Montclair Drive, should be granted for the following reasons:

1. The properties proposed for R-2 zoning are located on Carver Road, a cross-town collector street not far from its intersection with Standiford Avenue, a major street, which is being developed more intensively.
2. Development of the property under R-2 zoning will be made compatible with adjoining single family residences by virtue of second-story sight distance limitations, setbacks, and screen landscaping.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. APPEAL GRANTED. The appeal of Michael Minson on behalf of Merrill L. Stone to the decision of the Planning Commission to reclassify the above described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located on the east side of Carver Road north of Montclair Drive, is hereby granted for the reasons set forth above, and the decision of the Planning Commission denying said rezoning is hereby overruled.

SECTION 2. ZONING CHANGE. Section 7-3-9 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 South Half of Section 7, 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 northwest corner of Lot 12, Block 13216 of Tully Manor No. 6 according to the official map thereof filed for record in Volume 23 of Maps, Page 55, Stanislaus County Records, said point also being on the south line of property described in Deed to Tully Manor Enterprises, a partnership, recorded April 27, 1972 in Volume 2467 of Official Records, Page 409, Stanislaus County Records; thence North 89°08'00" West along said South line a distance of 150.07 feet to the centerline of Carver Road; thence South 0°52'00" East along said centerline of Carver Road a distance of 235.26 feet to a point on the westerly extension of the south line of Lot 28, Block 13216 of Tully Manor No. 7 according to the official map thereof filed for record in Volume 31 of Maps, Page 50, Stanislaus County Records; thence North 89°08'00" East along said south line of Lot 28 and westerly extension thereof a distance of 154.95 feet to the southeast corner of said Lot 28; thence North 43°38'04" West along the easterly line of said Lot 28 a distance of 7.30 feet; thence North 0°52'00" West along the east line of said Lot 28 and the northerly extension thereof, being also the west lines of Lots 12 and 13, Block 13216, of said Tully Manor No. 6, a distance of 225.37 feet to the point of beginning.

SECTION 3. ZONING MAP. Section 7-3-9 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto,

setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1989, by Councilmember McGrath, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
CAROL G. WHITESIDE, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and
Community Development

Ord. No. 2638-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 February, 19 89, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED 
MAYOR CAROL G. WHITESIDE

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 9, 1989

ORDINANCE NO. 2639 -C.S.

AN ORDINANCE AMENDING SECTIONS 10-2.503, 10-2.902, 10-2.905, 10-2.1002, 10-2.1004, 10-2.1202 AND 10-2.2324 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO PLANNING AND ZONING.

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

SECTION 1. AMENDMENT OF CODE. Sections 10-2.503, 10-2.902, 10-2.905, 10-2.1002, 10-2.1004, 10-2.1202 and 10-2.2324 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.503. PLOT PLAN USES.

The following uses are permitted upon securing plot plan approval from the Board:

- (a) Two (2) dwelling units are allowed on all interior lots subject to these conditions:
 - (1) The property owner shall live in one of the units.
 - (2) One of the units shall have no more than six hundred and forty (640) square feet.
 - (3) Three (3) off-street parking spaces shall be provided.
 - (4) If there is an existing unit prior to plan approval, the unit must be brought into conformance with the Housing Code prior to occupancy of the second unit.
 - (5) Maintaining a single family dwelling appearance shall be given special consideration in plan review through means such as:
 - (aa) Attaching the second unit to the first on small or typical sized lots. On large or deep lots detached units are acceptable.
 - (ab) Putting the second unit entrance to the side or rear of the building so it is not readily visible from the same street as the first unit's entrance.

- (ac) Locating parking so that all three (3) spaces are not readily visible from the same street. Alley access for both units is acceptable.
 - (ad) Employing construction materials and architectural styles which blend the units so they appear as a single residence if attached or a single residence and accessory building if detached.
- (6) A plot plan approved pursuant to this section may supersede any previous plot plan approval pursuant to Section 10-2.514.
- (b) A dish-type, satellite antenna, subject to the setback, size, and code requirements for a dish-type, satellite antenna as a permitted use but higher than fifteen (15) feet subject to these conditions:
 - (1) Evidence, satisfactory to the Board, that a low, ground mounting of a satellite antenna will not produce a usable satellite signal.
 - (2) The satellite antenna shall not exceed a height of thirty-five (35) feet at the highest point of the antenna.
 - (3) The satellite antenna shall have rear yard or rear-of-house orientation unless these options preclude a usable satellite signal.
 - (4) Evidence, satisfactory to the Board, that available technologies have been explored such as the feasibility of smaller dishes to reduce the visual mass; use of perforated metals, radar mesh, or wire screen to reduce the visual mass; and selection of a subdued flat color to minimize the visual impact.
 - (c) For uses permitted subject to conditional use permit by subsections (a), (b), (c), and (1) of Section 10-2.504 a dish-type satellite antenna not meeting the provisions of Section 10-2.502(j) and not larger than thirteen (13) feet in diameter and not exceeding a height of thirty-five (35) feet at the highest point of the antenna.
 - (d) Unattended containers placed for the donation of recyclable paper or beverage containers, not exceeding fifty (50) square feet per installation, in conjunction with and on the same site as a church, school, or governmental use.

SEC. 10-2.902. PERMITTED USES.

The following are permitted uses:

- (a) Signs subject to the provisions of Article 21.
- (b) For residential uses, a dish-type, satellite antenna, subject to the following conditions:
 - (1) A satellite antenna shall be located at least five (5) feet from the rear lot line and entirely outside of any required front yard and side yard. A satellite antenna shall not be located in the area between a required front yard and the front of a main building on a lot if the satellite antenna will be visible from the front lot line.
 - (2) A satellite antenna shall not exceed thirteen (13) feet in diameter.
 - (3) A satellite antenna shall be ground-mounted and shall not exceed a height of fifteen (15) feet at the highest point of the antenna.
- (c) For nonresidential uses, one (1) dish-type, satellite antenna per use not to exceed thirteen (13) feet in diameter and which is either:
 - (1) Ground-mounted so as not to exceed fifteen (15) feet at the highest point of the antenna, and located to the rear of the building excepting the ten (10) feet of any rear setback area that may exist adjacent to the rear property line, or
 - (2) Mounted so that it is more than fifteen (15) feet, but not more than thirty-five (35) feet at its highest point, located so as to have a rear-of-building orientation as approved by the Director.
 - (3) Mounted exceeding thirty-five (35) feet in height at its highest point, located on a roof in a manner that does not allow the antenna to be readily visible from the edge of the property or building site on which it is located, as approved by the Director.

SEC. 10-2.905 CONDITIONAL USES.

The following uses are allowed upon securing a conditional use permit from the Board:

- (a) Ambulance service.

- (b) Buildings, facilities and grounds of a utility which are not a permitted use.
- (c) Child day care center.
- (d) Church.
- (e) For nonresidential uses, a dish-type, satellite antenna not meeting the provisions of Sections 10-2.902(c) or 10-2.903(e).
- (f) Hospital supply sales.
- (g) Not-for-profit educational or scientific agency.
- (h) Storm drainage basins and related facilities.
- (i) Twenty-four (24) hour care for seven (7) or more persons.
- (j) Veterinary hospital (small animal).
- (k) Vocational school.

SEC. 10-2.1002. PERMITTED USES.

The following are permitted uses:

- (a) Any permitted use in the P-O zone other than dwellings.
- (b) Antique store.
- (c) Apparel store.
- (d) Art supply store.
- (e) Art studio, art gallery.
- (f) Autograph and philatelist store.
- (g) Automobile lubrication.
- (h) Automobile tune-up.
- (i) Bank, savings and loan, credit union.
- (j) Bakery (retail).
- (k) Barbershop, beauty shop.
- (l) Bookstore, newsstand.

- (m) Business services (duplicating, addressing, mailing, blueprinting, photostating, stenographic).
- (n) Camera store.
- (o) Child and adult day care.
- (p) Computer store (sales and repair).
- (q) Drugstore, pharmacy.
- (r) Fabric store (including upholstery material).
- (s) Florist, plant nursery.
- (t) Food store.
- (u) Frozen food lockers (individual retail rental).
- (v) Furniture store.
- (w) Gift, novelty or souvenir store.
- (x) Gunsmith shop.
- (y) Hardware store (limited to household and garden).
- (z) Housewares and small appliance store (including pictures, frames, lamps, shades, window shades, draperies, curtains, microwaves, irons, toasters).
- (aa) Instruction in arts, athletics, self defense (such as art, music, drama, dance, gymnastics, judo, karate).
- (ab) Interior decorating service.
- (ac) Jewelry, watch or clock store (sales and repair).
- (ad) Laundry and dry cleaning store.
- (ae) Library.
- (af) Liquor store (off-premise consumption).
- (ag) Luggage and leather good store (sales and repair)
- (ah) Motel, hotel.
- (ai) Museum.

- (aj) Musical instruments and record store.
- (ak) Office supply and stationery store.
- (al) Paint and wallpaper store.
- (am) Parks owned and operated by a governmental agency.
- (an) Parking lot or garage.
- (ao) Parts store (excluding tires) for automobiles, motorboats, motorcycles, and trailers (sales only, no repair, service, rebuilding or installation).
- (ap) Pet store.
- (aq) Photographic studio, film processing.
- (ar) Radio, television and electronic device store (sales and repair).
- (as) Repair shop (such as bicycle, camera, lawn mower and saw sharpening, knife and tool, musical instrument, key duplication, small appliance, handyman repair service).
- (at) Restaurant (Alcoholic beverages may be served only in conjunction with meals. No separate bar or cocktail lounge is allowed. Music may be provided, but no dancing or entertainment is permitted).
- (au) Reverse vending machines or unattended containers for the donations of recyclable paper or beverage containers, occupying no more than 50 square feet, in conjunction with and on the same site as any other permitted or conditional use.
- (av) Service station.
- (aw) Shoe store (sales and repair).
- (ax) Signs subject to the provisions of Article 21.
- (ay) Sporting goods store.
- (az) Tailor and seamstress shop.
- (ba) Tobacco store.
- (bb) Toy or hobby store.
- (bc) Travel agency.

(bd) Vocational school.

SEC. 10-2.1004. CONDITIONAL USES.

The following uses are allowed upon securing a conditional use permit from the Board:

- (a) Any conditional use in the P-0 zone which is not a permitted use in the C-1 zone.
- (b) Buildings, facilities or grounds operated by any governmental agency or public utility which are not a permitted use.
- (c) Club and private recreational facilities.
- (d) Radio or television transmitter.
- (e) Recreation services (limited to amusement machine centers, slot car racing, pool halls or other similar indoor uses).
- (f) Residential and related facilities (boarding house, lodging house).
- (g) School (elementary and secondary).
- (h) Stone monument store (retail sales only, no cutting or blasting other than lettering).
- (i) Windmill (accessory to a use permitted in the zone).

SEC. 10-2.1202. PERMITTED USES.

The following are permitted uses:

- (a) Signs subject to the provisions of Article 21.
- (b) For residential uses, a dish-type, satellite antenna, subject to the following conditions:
 - (1) A satellite antenna shall be located at least five (5) feet from the rear lot line and entirely outside of any required front yard and side yard. A satellite antenna shall not be located in the area between a required front yard and the front of a main building on a lot if the satellite antenna will be visible from the front lot line.
 - (2) A satellite antenna shall not exceed thirteen (13) feet in diameter.

- (3) A satellite antenna shall be ground-mounted and shall not exceed a height of fifteen (15) feet at the highest point of the antenna.
- (c) For nonresidential uses, one (1) dish-type, satellite antenna per use not to exceed thirteen (13) feet in diameter and which is either:
- (1) Ground-mounted so as not to exceed fifteen (15) feet at the highest point of the antenna, and located to the rear of the building excepting the ten (10) feet of any rear setback area that may exist adjacent to the rear property line, or
 - (2) Mounted so that it is more than fifteen (15) feet, but not more than thirty-five (35) feet at its highest point, located so as to have a rear-of-building orientation as approved by the Director.
 - (3) Mounted exceeding thirty-five (35) feet in height at its highest point, located on a roof in a manner that does not allow the antenna to be readily visible from the edge of the property or building site on which it is located, as approved by the Director.

SEC. 10-2.2324. EXPIRATION.

Any conditional use permit, variance, plot plan or other similar action granted by the Board, Commission or Council becomes null and void if not exercised within the time specified in the resolution. If no time is specified, it becomes null and void after two (2) years of the approval date.

The Secretary, upon written request received prior to the date of expiration, may grant a single one-year extension to the development schedule. Additional extensions may be granted only by the Board, Commission, or Council.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published

once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24 day of January, 1989, by Councilmember Irizarry, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, McGrath, Muratore, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang, Patterson

APPROVED: 
CAROL G. WHITESIDE, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2639-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 February, 19 89, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED Carol G. Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 9, 1989

ORDINANCE NO. 2640 -C.S.

AN ORDINANCE AMENDING SECTION 10-2.509 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO FRONT YARD TRASH ENCLOSURES.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.509 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.509. FRONT YARD.

- (a) Every building shall have a minimum front yard of fifteen (15) feet except for garages, carports and required parking spaces opening onto the front street which shall have a minimum yard of twenty (20) feet.
- (b) On through lots every building shall have a front yard as required above on both frontages. If vehicular access is denied and a minimum six (6) foot wall is maintained across one frontage, accessory structures no higher than the wall are permitted in the yard area adjacent to that frontage.
- (c) Front yard areas shall be unobstructed unless otherwise provided except that walls and fences outside the clear vision triangle are permitted a maximum of forty-two (42) inches in height.
- (d) A trash enclosure up to fifty-two (52) inches in height serving individual cans may be permitted in the front yard setback where there is no practical alternative, subject to the approval of the Director. Such enclosures shall be located as far from the front property line as feasible and shall fully screen the trash cans.

SECTION 2. EMERGENCY PROVISIONS. DECLARATION OF URGENCY. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure for immediate preservation of the public peace, health, safety and welfare for the following reason:

The City franchised garbage companies have recently started delivery of the 90-gallon garbage containers to residences in the City. Many residences do not have a side yard gate wide enough to allow the container to be pushed through so that the container will be screened from public view at all times except on pickup day as required by the Modesto Municipal Code. The City has received numerous complaints about this problem. Current zoning does not allow front yard trash enclosures. This urgency ordinance would immediately allow such enclosures thereby maintaining the aesthetic appearance of the City's residential neighborhoods.

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. Copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and adoption and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24 day of January, 1989, by Councilmember Irizarry, who moved its introduction and adoption which motion being duly seconded by Councilmember Sutton, was upon roll call carried by the following vote:

AYES: Councilmembers: Irizarry, McGrath, Muratore, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang, Patterson

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Check

ORDINANCE NO. 2641 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 748-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAPS 7-3-9 AND 8-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (PACIFIC INVESTMENT COMPANY)" AS AMENDED BY ORDINANCE NO. 1964-C.S., ORDINANCE NO. 2045-C.S., AND ORDINANCE NO. 2495-C.S.

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 748-C.S., AS AMENDED BY ORDINANCE NO. 1964-C.S., ORDINANCE NO. 2045-C.S., AND ORDINANCE NO. 2495-C.S.

Section 2 of Ordinance No. 748-C.S., as amended by Ordinance No. 1964-C.S., Ordinance No. 2045-C.S., and Ordinance No. 2495-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(21) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

- (a) All uses permitted in the C-2, General Commercial Zone, shall be permitted in the eight-acre shopping center at the southeast corner of Tully Road and Standiford Avenue.
- (b) CONVALESCENT HOSPITAL OR REST HOME.
- (c) MULTIPLE-FAMILY APARTMENTS AND RESIDENTIAL CONDOMINIUMS - with maximum density of thirty (30) dwelling units per acre.
- (d) CHURCH.
- (e) PARKING as indicated on the approved plans."

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7 day of February, 1989, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: Irizarry, Muratore

ABSENT: Councilmembers: None

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Ord. No. 2641-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 14th day of February, 1989, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: Irizarry, Muratore

ABSENT: Councilmembers: None

APPROVED Carol Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 16, 1989

Check

ORDINANCE NO. 2642 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2371-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 7-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (TULLY MANOR INVESTMENT TRUST COMPANY)".

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 2371-C.S.: Section 2 of Ordinance No. 2371-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(386) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

All uses permitted in the C-2, General Commercial Zone, except restaurants with drive-through window service."

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7 day of February, 1989, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: Irizarry, Muratore

ABSENT: Councilmembers: None

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Ord. No. 2642-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 14th day of February, 19⁸⁹, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: Irizarry, Muratore

ABSENT: Councilmembers: None

APPROVED Carol G. Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 16, 1989

U.S.K.

ORDINANCE NO. 2643-C.S.

AN ORDINANCE AMENDING SECTIONS 28-3-9 AND 33-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (CITY COUNCIL INITIATED)

WHEREAS, a verified application for an amendment to Sections 28-3-9 and 33-3-9 of the Zoning Map was initiated by the Modesto City Council on May 10, 1988, to reclassify from General Commercial Zone, C-2, to Highway Commercial Zone, C-3, the hereinafter described property, and

WHEREAS, after public hearing held on January 3, 1989, 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. 89-3, adopted on January 3, 1989, the Planning Commission recommended to the Council that the application initiated by the City Council to amend Sections 28-3-9 and 33-3-9 of the Zoning Map to reclassify the hereinafter described property from General Commercial Zone, C-2, to Highway Commercial Zone, C-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 February 7, 1989, 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. Development in the C-3 Zone is subject to conditional use permit or plot plan application which would review compatibility with the residential area to the north and appropriate curb cut locations.
2. The C-3 Zone allows a variety of land uses which could be compatible with surrounding nonresidential uses.

SECTION 2. ZONING CHANGE. Sections 28-3-9 and 33-3-9 of the Zoning Map are hereby amended to reclassify the following described property from General Commercial Zone, C-2, to Highway Commercial Zone, C-3:

All that portion of the Southerly one half of Section 28 and the Northerly one half of Section 33, 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 a point on the centerline of Las Flores Avenue, a 60-foot street, and the centerline of Cuesta Avenue, a 50-foot street; thence North 89°21'53" West 624.5 feet, more or less, along the centerline of said Cuesta Avenue to a point being the intersection of said centerline and northerly extension of the west line of lot 15 of Las Flores Tract recorded in Volume 9 of Maps, Page 47, Stanislaus County Records; thence South 0°54' East 25 feet to a point on the northwest corner of said lot 15, said point being the true point of beginning; thence continuing South 0°54' West 273 feet to the southwest corner of said lot 15; thence southeasterly on a line perpendicular to the centerline on proposed realignment of State Highway 132 to said centerline; thence southwesterly on said centerline of proposed realignment of State Highway 132 to the centerline of Dry Creek; thence northerly along the centerline of said Dry Creek to a point being the intersection of said centerline and the easterly extension of the centerline of Cuesta Avenue; thence South 89°21'53" East along said extension of the centerline of Cuesta Avenue and the centerline of Cuesta Avenue to a point on the northerly extension of the west line of said lot 15; thence South 0°54' East 25 feet to the point of beginning.

SECTION 3. ZONING MAP. Sections 28-3-9 and 33-3-9 of the Zoning Map of the City of Modesto are amended to appear as set forth on the maps attached hereto, which are 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7 day of February, 1989, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:


CAROL G. WHITESIDE, Mayor

ATTEST:

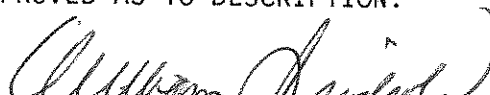
By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and Community
Development

Ord. No. 2643-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 14th day of February, 19 89, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED *Carol Whiteside*
MAYOR CAROL G. WHITESIDE

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 16, 1989

ORDINANCE NO. 2644 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1136-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 16-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (FELLOWSHIP HOMES INC.)".

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1136-C.S.: Section 2 of Ordinance No. 1136-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(92) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. Elderly care and housing facility.
2. Off-street parking as shown on the approved development plan."

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7 day of February, 1989, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Carol Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Ord. No. 2644-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 14th day of February, 19 89, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED Carol Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 16, 1989

ORDINANCE NO. 2645-C.S.

AN ORDINANCE AMENDING SECTIONS 4-1.1201, 4-1.1202, 4-1.1204, 4-1.1207, 4-1.1208, 4-1.1209, 4-1.1210, 4-1.1211, AND 4-1.1212, OF ARTICLE 12 OF CHAPTER 1 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO SIDEWALK FOOD VENDORS.

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

SECTION 1. AMENDMENT OF CODE. Sections 4-1.1201, 4-1.1202, 4-1.1204, 4-1.1207, 4-1.1208, 4-1.1209, 4-1.1210, 4-1.1211, and 4-1.1212, of Article 12 of Chapter 1 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-1.1201. DEFINITIONS.

For the purposes of this article the following words and phrases are defined as follows:

- (a) Controlled Substance. Any drug which is classified as a controlled substance as defined by the California Health and Safety Code.
- (b) Designated Location. A specific location on a public sidewalk which has been allocated by permit by the City of Modesto for exclusive use in a vending cart operation.
- (c) Operator. Any person who tends a vending cart, whether receiving pay or other consideration or not, while upon a public sidewalk within the City of Modesto.
- (d) Permit. A permit issued by the City of Modesto authorizing the use of a designated location for use by a vending cart operation.
- (e) Sidewalk Food Vendor. Any person named as permittee on a permit for a vending cart operation. For purposes of Title VI of this Code a Sidewalk Food Vendor shall be deemed to be operating from a fixed place of business in the City.
- (f) Vending Cart. A portable cart that is operated from a designated location from which food and/or nonalcoholic beverages are provided, with or without charge, to the public. A vending cart shall be deemed a pushcart if used at a location other than its authorized designated location.

- (g) Vending Cart Operation. The storage, preparation, sale, and clean up of articles sold from a vending cart; the use of the vending cart and the conduct and actions of operators while at the designated location; and, the clean up and maintenance of the vending cart itself.

SEC. 4-1.1202. PERMIT REQUIRED.

It shall be unlawful for any person to use, or cause to be used, a vending cart upon any public sidewalk in the City of Modesto without a permit to do so. This permit may be issued by the City Manager or designee after the application has been reviewed and approved by the authorized representatives of the following agencies:

- (a) City of Modesto Office of City Manager
- (b) City of Modesto Office of City Clerk
- (c) City of Modesto Finance Department
- (d) City of Modesto Police Department
- (e) City of Modesto Fire Department

A permit shall be issued for a vending cart operation that conforms with all the requirements of the Modesto Municipal Code and which will not unduly interfere with the rights of the public or significantly contribute to traffic or other safety hazards. A permit is not transferable. A permit may be cancelled if a vending cart operation is not commenced at the designated location within ninety (90) days after the permit is issued. A permit may be revoked as provided herein.

SEC. 4-1.1204. CASH DEPOSIT.

Each person desiring to secure a permit shall pay a cash deposit which shall be in addition to any license deposit required for a business license. This cash deposit is a guarantee that all Public Property Use Fees shall be paid. The amount of the cash deposit shall be set by resolutions adopted by the City Council from time to time.

This cash deposit shall be treated in the same manner and subject to the same conditions and forfeitures as the business license cash deposit referred to in Section 6-1.128 of this Code or any subsequent revisions.

SEC. 4-1.1207. RULES AND REGULATIONS.

Rules and Regulations governing the use of vending carts and the issuance of permits shall be established by the City Council by resolutions adopted from time to time. A violation of any provision of this Article or the Rules and Regulations enacted pursuant hereto shall be punishable as an infraction as set forth in Section 1-2.01 of this Code.

SEC. 4-1.1208. DESIGNATED LOCATION.

The City Council may by resolutions adopted from time to time establish criteria for areas which may be designated locations. Such criteria shall be described in the Rules and Regulations.

SEC. 4-1.1209. INSPECTION OF DOCUMENTS.

A current, legible copy of all permits, licenses, certificates, or other documents required for licensing or permitting of the vending cart shall be maintained in the vending cart, while in operation, for inspection by any person representing any office having permit approving authority.

SEC. 4-1.1210. RENEWAL OF PERMIT.

A permit for a Designated Location that is not revoked may be renewed annually for up to four (4) consecutive years beyond the initial application year. Renewal applications may be made only in November of each year and must be completed by December 15 of the same year. Any Designated Location for which an application has not been completed by December 15 shall be available for selection by any interested individual after January 1 of the following year.

If a revocation hearing has been scheduled to consider, or is presently considering, any permit, the renewal process of that permit shall not commence nor continue until such hearing is concluded. Because it is no longer a valid instrument, a revoked permit cannot be renewed.

SEC. 4-1.1211. REVOCATION OF PERMIT.

- (a) Whenever there is reasonable cause to believe that any of the following conditions have occurred, the City Manager or designee may initiate proceedings to consider revoking the permit in the manner prescribed herein.
- (1) Violations. A vending cart operation shall not be conducted in violation of any provision of the Modesto Municipal Code.
 - (2) Use of Untrue Information to Secure a Permit. A permit application at time of submission shall not contain information known by the applicant to be false.
 - (3) Unpaid Fees or Taxes. A permittee shall not fail to completely pay any fee or tax associated with a Sidewalk Food Vending business license or permit within thirty-one (31) days of the due and payable date referred to in Section 4-1.1205 of this Code or any subsequent revisions.

- (b) Proceedings to consider revoking a permit shall be initiated by the City Manager or designee by delivering a written notice to the permittee at the address on the permit application to inform the permittee of the date and time of a revocation hearing and shall state the reason(s) for the proposed revocation.

The permittee shall be informed of the right to be present at the hearing and to present oral and/or written information concerning why the permit should not be revoked.

- (c) A determination may be made to either revoke or to continue the permit. In either case, a written determination shall be mailed to the permittee, at the address given in the permit application, within six (6) days of the close of the hearing.

SEC. 4-1.1212. SALE OF CONTROLLED SUBSTANCES.

No operator or permittee shall unlawfully sell nor unlawfully distribute a controlled substance within twenty (20) feet of their designated location. The City Manager or designee may revoke without a hearing any permit for a designated location if any permittee or operator is convicted of such sale or distribution. Prima Facie evidence of violation shall be the court record. A permittee shall be notified in writing if the permit is revoked.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Ord. No. 2645-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 28th day of February, 19 89, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED *Carol G. Whiteside*
MAYOR CAROL G. WHITESIDE

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 30, 1989

ORDINANCE NO. 2646-C.S.

AN ORDINANCE AMENDING SECTIONS 4-7.601, 4-7.601.1, 4-7.602, 4-7.603, 4-7.604, AND 4-7.606 OF ARTICLE 6 OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE; ADDING SECTIONS 4-7.604.1 AND 4-7.604.2 THERETO; AND REPEALING SECTION 4-7.605 THEREOF, RELATING TO REMOVAL OF WEEDS, RUBBISH, AND DEBRIS.

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

SECTION 1. AMENDMENT OF CODE. Sections 4-7.601, 4-7.601.1, 4-7.602, 4-7.603, 4-7.604, and 4-7.606 of Article 6 of Chapter 7 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-7.601. WEEDS, RUBBISH, AND DEBRIS DECLARED A NUISANCE.

All weeds, rubbish, and debris located upon any private property within the City, or upon any public street, sidewalk, easement or alley abutting thereon, which constitutes a fire menace or which is otherwise a menace to health or safety is hereby declared to be a public nuisance.

SEC. 4-7.601.1. REMOVAL OF WEEDS, RUBBISH, AND DEBRIS.

It is hereby made the duty of every property owner to destroy or remove such weeds, rubbish, and debris as are described in Section 4-7.601, Section 4-7.602, and Section 4-7.603 from their private property, from the abutting half of the street and/or alley, and from between the sidelines thereof as extended. The word "street" as used in this article shall be deemed to include the sidewalk space thereof. The failure of said property owner to remove said weeds, rubbish, or debris from such property, may be punishable as an infraction or subject to abatement as provided herein.

SEC. 4-7.602. KEEPING REAL PROPERTY CLEAR.

Every owner of real property in the City shall keep said real property free and clear of all weeds, rubbish, debris or other obstructions or materials which from any cause whatever shall have accumulated upon said property.

SEC. 4-7.603. DUMPING NOT PERMITTED.

Weeds, rubbish, and debris shall not be deposited, placed or dumped upon the public streets, between property lines, or in any alley,

wharf, park or waterway in the City except as otherwise expressly allowed by the Modesto Municipal Code. The unlawful leaving of said weeds, rubbish, or debris upon such property may be punishable as an infraction.

SEC. 4-7.604. NOTICE TO REMOVE WEEDS, RUBBISH, AND DEBRIS.

Upon the failure of any owner to destroy or remove such weeds, rubbish, and debris as are described in Section 4-7.601, Section 4-7.602, or Section 4-7.603, the owner of the real property involved may be notified by the City of Modesto to remove the same within a period of seven (7) days. More than seven (7) days may be granted at the City's sole discretion. Such written notice shall be mailed or shall be posted in a conspicuous place upon said property for a period of at least seven (7) days. If at the end of such period mentioned in said notice, such owner has failed to comply with said notice, then the City of Modesto may cause such weeds, rubbish, and debris to be removed from said property and shall charge the expense of such work of removing the same to the owner of the property.

SEC. 4-7.606. AGREEMENTS BETWEEN CITY AND PROPERTY OWNER.

Nothing contained in this article shall prevent an owner of property in the City from making an agreement or contract with the City of Modesto, for the elimination or eradication of said grass, weeds, rubbish, debris, obstructions, or materials, should said property owner so desire and the City agree. The City, in said Contract, may provide for a reasonable amount to be paid by the owner of said property for the eradication or removal of said grass, weeds, rubbish, debris, obstructions, or materials.

In the event that said property owner, after entering into said agreement and after performance of the terms thereof by the City, refuses to pay for said work as contracted for, then the work performed by the City and materials used for the removal or eradication of grass, weeds, rubbish, debris, obstructions, or materials shall become a lien upon said property in the same manner as heretofore provided for in cases where the owner of said property fails or refuses to remove said grass, weeds, rubbish, debris, obstructions, or materials.

SECTION 2. AMENDMENT OF CODE. Sections 4-7.604.1 and 4-7.604.2 are hereby added to Article 6 of Chapter 7 of Title IV of the Modesto Municipal Code to read as follows:

SEC. 4-7.604.1. CLEANING EXPENSES RECOVERED WITH SALE OF PROPERTY.

If the property owner has not cleaned the property by the date specified in the notice and cleaning expenses are to be recovered when the property is next sold, the property may be cleaned without further notice to the property owner.

Upon completion of the work of removal of said weeds, rubbish, and debris, the City of Modesto shall notify the owner of such real property in writing of the expenses of such work. If said owner fails or refuses to pay the amount of such expense to the City within a period of thirty (30) days from the date of such notice, the said amount shall be certified to the Finance Director of the City, who shall record in a book to be kept for that purpose the name of the owner of the property so cleared, a description of the property sufficient for identification, and the amount charged against the said property for doing the work of clearing and removing said weeds, rubbish, and debris from the same. From and after the date that said entry is so made, the amount charged against said owner of said property shall be a lien thereon and may be collected by an action brought on behalf of the City to foreclose said lien against said encumbered property. Notice of said lien shall be recorded in the official records of Stanislaus County.

SEC. 4-7.604.2. CLEANING EXPENSES RECOVERED WITH PROPERTY TAXES.

If the property owner has not cleaned the property by the date specified in the notice and cleaning expenses are to be recovered together with the periodic property tax, the City of Modesto shall send the property owner a notice that a hearing will be convened to consider whether the City should order the cleaning of the property and bill the expense of such cleaning to the owner. Said hearing shall be convened before whomever the department head having jurisdiction in the case shall direct and shall not convene until at least seven (7) days after the mailing date of said notice. Said notice shall specify the exact nature of the problem(s) at the property and shall specify the exact date, time, and location of said hearing. The property owner shall be informed of the right to speak and to show cause why the City Council should not order the City to clean said property at the owner's expense.

At the conclusion of the hearing, the owner, whether present or not, may be directed to clean the property before a certain date fifteen (15) to thirty (30) days after the hearing. The owner shall also be notified of the right to appeal the result of the hearing before the City Council so long as said appeal is considered by the City Council prior to the directed cleaning date.

A letter shall be mailed to the property owner to formally summarize the results of the hearing. If appropriate, it shall reaffirm the

directed cleaning completion date, repeat that the expense of such cleaning will be recovered together with property taxes, and reiterate the right of the property owner to appeal the decision of the hearing to the City Council.

The property may be cleaned and the expense of such cleaning attached as a Special Assessment Lien upon the property to be collected with the next property tax payment if the property owner fails to clean the property before the directed cleaning date or if the City Council does not support an appeal.

Upon completion of the removal of said weeds, rubbish, and debris, the City of Modesto shall notify the owner of such real property in writing of the expenses of such work. If said owner fails to pay to the City the amount of such expense within a period of thirty (30) days from the date of such notice, the said amount shall be certified to the Finance Director of the City, who shall record in a book to be kept for that purpose the name of the owner of the property so cleared, a description of the property sufficient for identification, and the amount charged against said property for the work of clearing and removing said weeds, rubbish, and debris from the same. From and after the date that said entry is so made, the amount charged against said owner of said property shall be a lien thereon and shall be collected by an action brought on behalf of the City to collect said lien together with the next regular property tax payment. Notice of said lien shall be recorded in the official records of Stanislaus County. The Finance Director may direct that the entire bill be attached for a single tax collection or that portions of the bill be attached for collection over successive tax periods.

SECTION 3. AMENDMENT OF CODE. Section 4-7.605 of the Modesto Municipal Code is hereby repealed.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto,

setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None


APPROVED: 
CAROL G. WHITESIDE, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2646-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 28th day of February, 19 89, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED Carol G. Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 30, 1989

ORDINANCE NO. 2647 -C.S.

AN ORDINANCE AMENDING SECTION 2-8.03 OF CHAPTER 8 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO LIMITATIONS ON CONTRIBUTIONS IN THE WEEK PRECEDING ELECTION.

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

SECTION 1. AMENDMENT OF CODE. Section 2-8.03 of Chapter 8 of Title II of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 2-8.03. LIMITATIONS ON CONTRIBUTIONS IN THE WEEK PRECEDING ELECTION.

"No candidate for the Council of the City of Modesto or his or her campaign committee shall accept any contribution which exceeds ninety-nine dollars (\$99.00) between 5:00 p.m. of the seventh day preceding the first regular municipal election of members of the Council as provided by section 300 of the Modesto City Charter and such time as all votes in the election have been tabulated and the winner(s) officially declared by the City Council. Nothing herein shall be construed to limit the acceptance of any contribution which exceeds ninety-nine dollars (\$99.00) between 5:00 p.m. of the seventh day preceding the second regular municipal election of members of the Council as provided by section 300 of the Modesto City Charter and such time as all votes in the election have been tabulated and the winner(s) officially declared by the City Council."

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 4. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14 day of February, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:


CAROL G. WHITESIDE, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2647-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 28th day of February, 1989, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED Carol Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 30, 1989

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ORDINANCE NO. 2648-C.S.

AN ORDINANCE AMENDING SECTION MAP 32-3-9 OF THE ZONING MAP
OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY
LOCATED THEREON. (SINH-VIEN)

WHEREAS, a verified application for an amendment to Section 32-3-9 of the Zoning Map was filed by Nguyen Sinh-Vien on November 18, 1988, to reclassify from Professional Office Zone, P-0, to Neighborhood Commercial Zone, C-1, property located at the eastern corner of Third and I Streets, hereinafter described, and

WHEREAS, after public hearing held on January 17, 1989, 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. 89-7, adopted on January 17, 1989, the Planning Commission recommended to the Council that the application of Nguyen Sinh-Vien to amend Section 32-3-9 of the Zoning Map to reclassify the hereinafter described property from Professional Office Zone, P-0, to Neighborhood Commercial Zone, C-1, 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 February 21, 1989, 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 proposed for C-1 zoning is bounded on two sides by substantive commercial establishments along the I Street corridor which are also zoned C-1.
2. The proposed zone change will be a reversion to the previous zoning of this property and will conform the existing retail commercial utilization of this property.

SECTION 2. ZONING CHANGE. Section 32-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Professional Office Zone, P-0, to Neighborhood Commercial Zone, C-1:

All that certain real property situate in a portion of the Northwest quarter of Section 32, 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:

Lots 31 and 32 of Block 9, City of Modesto. Including also the southern one-half of I Street, the eastern one-half of Third Street, and the western one-half of the alley immediately adjacent to the above described property.

SECTION 3. ZONING MAP. Section 32-3-9 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of February, 1989, by Councilmember McGrath, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By William Prohove
Department of Planning and Community
Development

Ord. No. 2648-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 28th day of February, 19 89, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED Carol G. Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 30, 1989

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ORDINANCE NO. 2649 -C.S.

AN ORDINANCE AMENDING SECTION MAP 19-3-10 OF THE ZONING MAP TO REZONE FROM A PORTION OF PLANNED DEVELOPMENT ZONE, P-D(359), TO LOW DENSITY RESIDENTIAL ZONE, R-1, PROPERTY LOCATED AT 4300 ORANGEBURG AVENUE (ALFRED R. DEL PRATO)

WHEREAS, the City Council, by Ordinance No. 2279-C.S., effective on September 13, 1984, rezoned from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(359), property located on the south side of Parker Road, west of Claus Road, for a mobile home park, and

WHEREAS, the City Council, by Resolution No. 84-529, adopted on August 7, 1984, approved the development schedule for P-D(359) which specified that the entire construction program be accomplished in one phase, with construction to start on or before July 1, 1986, and completion to be not later than July 1, 1987, and

WHEREAS, a verified application for an amendment to Section 19-3-10 of the Zoning Map was filed by Alfred R. Del Prato on behalf of property owner John P. Watkins September 13, 1988, to rezone from a portion of Planned Development Zone, P-D(359), to Low Density Residential Zone, R-1, property located at 4300 East Orangeburg Avenue, the hereinafter described property, and

WHEREAS, a public hearing was held by the Planning Commission on November 7, 1988, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, at said hearing, after hearing evidence both oral and documentary, the Planning Commission, by its Resolution No. 88-122, found and determined that the rezoning of a portion of P-D(359) to R-1 property located

at 4300 East Orangeburg Avenue, is required by public necessity, convenience and general welfare, for the following reasons:

1. That the proposed zone change is in accordance with the objectives as set forth in the General Plan.
2. That the proposed rezone will not adversely affect surrounding property.

and

WHEREAS, said matter was set for public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on February 21, 1989,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the proposed amendment to Section 19-3-10 of the Zoning Map to rezone from a portion of Planned Development Zone, P-D(359), to Low Density Residential Zone, R-1, property located at 4300 East Orangeburg Avenue, in the City of Modesto, should be approved,

SECTION 2. ZONING CHANGE. Section 19-3-10 of the Zoning Map is hereby amended to reclassify the following described property from a portion of Planned Development Zone, P-D(359), to Low Density Residential Zone, R-1:

All that certain real property situate in a portion of the North half of the North half of Section 19, Township 3 South, Range 10 East, Mount Diablo Base and Meridian and lying in the City of Modesto, State of California, more particularly described as follows:

Commencing at the most Easterly corner of Parcel C, as shown on the map filed in Book 36 of Parcel Maps, at page 2, Stanislaus County Records, said corner lying on the south right-of-way line of East Orangeburg Avenue; thence North 89° 02'03" West, along the south line of said Parcel C, 48.70 feet; thence North 00° 57'57" West, 22.41 feet to a point on a curve, said curve being concave to the

Northeast, having a radius of 330.00 feet and a central angle of 9° 19'06", said point lying on the said south right-of-way line of East Orangeburg Avenue; thence southeasterly along the arc of said curve, 53.67 feet to the point of beginning of this description.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of February, 1989, by Councilmember McGrath, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By William Prichard
Department of Planning and
Community Development

Ord. No. 2649-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 28th day of February, 19 89, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED Carol Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 30, 1989

ORDINANCE NO. 2650 -C.S.

AN ORDINANCE AMENDING SECTION MAP 7-3-9 OF THE ZONING MAP TO REZONE FROM PROFESSIONAL OFFICE ZONE, P-0, TO PLANNED DEVELOPMENT ZONE, P-D(410), AS AN ADDITION TO P-D(410), PROPERTY LOCATED ON THE NORTH SIDE OF STANDIFORD AVENUE WEST OF SHAWNEE DRIVE (MERLE BLEDSOE).

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

SECTION 1. ZONING CHANGE. Section 7-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Professional Office Zone, P-0, to Planned Development Zone, P-D(410), as an addition to P-D(410):

All that certain real property situate in a portion of the northwest quarter of Section 7, 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 Lot 15 of Block 13358 of Carver Village as shown on the map recorded in Volume 25 of Maps, at page 17, Stanislaus County Records; thence North 0°42'43" West, along the west line of said Lot 15 and Lot 14, a distance of 105.01 feet to the most southwesterly corner of Lot A of Block 13358 of Carmel Woods, as shown on the map recorded in Volume 30 of Maps, at page 42, Stanislaus County Records; thence South 89°17'17" West, along the southerly line of said Lot A, a distance of 66.00 feet; thence South 0°42'43" East, along the easterly line of said Lot A, a distance of 152.96 feet to the centerline of Standiford Avenue; thence South 88°55'10" East, along said centerline, a distance of 66.04 feet; thence North 0°42'43" West, a distance of 50.01 feet to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(410) Zone, as an addition to P-D(410), if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by

Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

Barbershop in addition to P-0 Zone uses.

SECTION 3. ZONING MAP. Section Map 7-3-9 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of February, 1989, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By Altham Prohles
Department of Planning and
Community Development

Ord. No. 2650-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 28th day of February, 19 89, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED 
MAYOR CAROL G. WHITESIDE

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 30, 1989

ORDINANCE NO. 2651-C.S.

AN ORDINANCE AMENDING SECTION MAP 10-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D(461), PROPERTY LOCATED ON THE SOUTHEAST CORNER OF COFFEE ROAD AND SYLVAN AVENUE. (STAR ENTERPRISES)

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

SECTION 1. ZONING CHANGE. Section 10-3-9 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(461):

Parcel A as shown upon that certain Parcel Map filed June 1, 1988 in Volume 40 of Parcel Maps, page 98, Stanislaus County Records, being a portion of Parcel 3 as shown on the map filed in Book 28 of Parcel Maps, at page 46, Stanislaus County Records and lying in the Southwest quarter of Section 10, Township 3 South, Range 9 East, Mount Diablo Base and Meridian.

Including also the East one-half of Coffee Road, the South one-half of Sylvan Avenue, and the West one-half of Kingswood Drive, all immediately adjacent to the above-described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(461) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. All commercial and office uses as allowed in the C-1 and P-0 Zones.
2. Off-street parking as shown on the approved plan.

SECTION 3. ZONING MAP. Section Map 10-3-9 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1988, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton

NOES: Councilmembers: Mayor Whiteside

ABSENT: Councilmembers: None

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By Altman
Department of Planning and
Community Development

Ord. No. 2651-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 March, 19 89, Councilmember McGrath 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton

NOES: Councilmembers: Mayor Whiteside

ABSENT: Councilmembers: None

APPROVED Carol G. Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 6, 1989

ORDINANCE NO. 2652 -C.S.

AN ORDINANCE AMENDING SECTION MAP 27-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM DENSITY RESIDENTIAL ZONE, R-2, TO PLANNED DEVELOPMENT ZONE, P-D(30), AS AN ADDITION TO P-D(30), PROPERTY LOCATED ON THE WEST SIDE OF SUNNYSIDE AVENUE SOUTH OF LUCERN AVENUE. (GOULD MEDICAL FOUNDATION)

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

SECTION 1. ZONING CHANGE. Section 27-3-9 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(30), as an addition to P-D(30):

R-2 to P-D(30)

Lots 6, 11 and 14 of SUNNYSIDE ACRES, in the City of Modesto, County of Stanislaus, State of California, according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County, California, on May 24, 1911 in Volume 5 of Maps, at page 45.

SECTION 2. USES. The following uses shall be permitted in said P-D(30) Zone, as an addition to P-D(30), if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

A parking area on a 2.25-acre parcel on the west side of Sunnyside Avenue south of Lucern Avenue.

SECTION 3. ZONING MAP. Section Map 27-3-9 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 1989, by Councilmember McGrath, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By William Smith
Department of Planning and
Community Development

Ord. No. 2652-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 March, 19 89, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED Carol G. Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 6, 1989

ORDINANCE NO. 2653-C.S.

AN ORDINANCE REPEALING SECTION 8-1.905 OF ARTICLE 9 OF
CHAPTER 1 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE
RELATING TO CAPITAL FACILITIES FEES.

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

SECTION 1. REPEAL OF SECTION 8-1.905. Section 8-1.905 of Article 9
of Chapter 1 of Title VIII of the Modesto Municipal Code is hereby repealed.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and
be in full force and operation on May 1, 1989.

SECTION 3. PUBLICATION. At least two (2) days prior to its final
adoption, copies of this ordinance shall be posted in at least three (3)
prominent and distinct locations in the City; and a notice shall be published
once in The Modesto Bee, the official newspaper of the City of Modesto,
setting forth the title of this ordinance, the date of its introduction and
the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Ord. No. 2653-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 March, 1989, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED *Carol Whiteside*
MAYOR CAROL G. WHITESIDE

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 6, 1989

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ORDINANCE NO. 2654-C.S

**AN ORDINANCE OF THE CITY OF MODESTO
ORDERING THE SUBMISSION OF A MEASURE
OF INCURRING BONDED DEBT FOR THE PURPOSE
OF THE ACQUISITION, CONSTRUCTION AND COMPLETION
OF CERTAIN PUBLIC SAFETY IMPROVEMENTS TO THE
QUALIFIED VOTERS OF THE CITY OF MODESTO AT
AN ELECTION TO BE HELD FOR THAT PURPOSE**

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

WHEREAS, this City Council of the City of Modesto (the "City") has heretofore adopted, by a two-thirds vote of all the members of said Council, Resolution No. 89-387 entitled "A Resolution of the City Council of the City of Modesto Determining That the Public Interest and Necessity Demand the Acquisition, Construction and Completion of Certain Public Safety Improvements and Their Financing Through the Issuance of General Obligation Bonds" (the "Resolution"); and

WHEREAS, in order to provide for the issuance by the City of its general obligation bonds to finance the improvements described in the Resolution, it is necessary for this Council to pass an ordinance ordering the submission of the measure of incurring bonded indebtedness for such purpose to the qualified voters of the City at an election held for that purpose; and

WHEREAS, this Council desires to submit said ballot measure to the qualified voters of the City at a special municipal election to be held in the City on June 6, 1989.

NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:

Section 1. That a special municipal election is hereby called and ordered to be held in the City on June 6, 1989, at which election there shall be submitted to the qualified voters the measure set forth below.

Section 2. That said measure shall appear on the ballot for said special municipal election in the following form:

MEASURE S: Shall Ordinance No. 2654-C.S. adopted by the City of Modesto on March 7, 1989 be approved in order to authorize the issuance of general obligation bonds in the principal amount of thirty-one million three hundred thousand dollars (\$31,300,000) for the purpose of the acquisition, construction and completion of certain public safety improvements consisting of Police and Fire Facilities and all appurtenances thereto as more particularly described in said Ordinance?

This City Council does hereby submit to the qualified voters of the City, at said special municipal election, this Ordinance and the measure set forth above.

Section 3. The object and purpose of incurring the indebtedness is the acquisition and construction and completion of public safety improvements consisting of Police and Fire Department Facilities and all appurtenances thereto.

All of the foregoing improvements are referred to herein collectively as the "Improvements".

Section 4. The estimated cost of the Improvements is thirty-one million three hundred thousand dollars (\$31,300,000). The estimated cost includes legal and other fees and the cost of printing the bonds and other costs and expenses incidental to or connected with the issuance and sale of the bonds (collectively, the "Bond Issuance Fees and Expenses").

Section 5. The amount of the principal of the indebtedness to be incurred is not to exceed thirty-one million three hundred thousand dollars (\$31,300,000).

Section 6. The maximum rate of interest to be paid on the indebtedness shall be twelve percent (12%) per annum, or such higher rate as may hereafter be established for general obligation bonds of the City by the Legislature of the State of California.

Section 7. This City Council does hereby submit to the qualified voters of the City, at said special municipal election, this Ordinance and measure set forth in Section 2 hereof. The City proposes to acquire, construct and complete the Improvements and to issue and sell general obligation bonds of the City pursuant to Article 9, commencing with Section 43600, of Chapter 4 of Division 4 of Title 4 of the Government Code of the State of California, in one or more series, in the maximum amount and for the objects and purposes set forth above if two-thirds of all qualified voters voting on the measure set forth above vote in favor thereof. The bonds are to be general obligations of the City payable from and secured by taxes levied and collected in the manner prescribed by laws of the State of California. All of said bonds are to be equally and ratably secured, without priority, by the taxing power of the City.

Section 8. The election shall be conducted wholly by mail in the manner provided in the Modesto Municipal Code and in Article 2, (commencing with Section 1350) of Chapter 5 of Division 2 of the Elections Code of the State of California; the use of mailed ballots for the election is hereby authorized.

Section 9. Except as otherwise provided herein, the election shall be conducted in accordance with the provisions of Chapter 1 (commencing with Section 1000) of Division 2 of the Elections Code of the State of California.

Section 10. Combined sample and mail ballots for the election shall be provided in the form and in the number provided by law. On said ballots, in addition to any other printed matter which may be required by law, two voting squares shall be set off to the right of the measure submitted at the election, in the manner provided by law, one having the word "YES" printed before it, and the other having the word "NO" printed before it.

Section 11. Each voter to vote for the measure shall stamp or write a cross in or punch out the blank space opposite the word "Yes" on the ballot to the right of the

measure; and each voter to vote against the measure shall stamp or write a cross in or punch out the blank space opposite the word "No" on the ballot to the right of the measure.

Section 12. Voters shall not be required to file an application for the ballot; the clerk shall commence to mail one combined sample ballot and mail ballot, postage prepaid, to each voter prior to the 29th day before the election and shall complete the mailing by the 10th day before the election.

The statement regarding tax rates and economic data required by Section 5301 of the Elections Code shall be mailed to the voters with the ballots.

Section 13. All ballots cast under the provisions of this Ordinance shall be voted on or before the day of the election. The voter shall return the ballot to the official from whom it came by mail or in person. The ballot must, however, be received by the official before 8:00 p.m. on election day.

The clerk may include in the mailings required by Section 12 a printed notice to the voters informing the voters that they may return the voted ballot by certified or registered mail.

Section 14. Upon receipt of the ballot the elections official shall compare the signature on the envelope with that appearing on the affidavit of registration and, if they compare, deposit the ballot, still in the identification envelope, in a ballot container in his or her office. A variation of the signature caused by the substitution of initials for the first or middle name, or both, shall not invalidate the ballot. If the ballot is rejected because the signatures do not compare, the envelope shall not be opened and the ballot shall not be counted. The cause of the rejection shall be written on the face of the identification envelope.

No ballot shall be removed from its identification envelope until the time for processing. No ballot shall be rejected for cause after the envelope has been opened.

In determining from the records of registration if the signature and residence address on the identification envelope appear to be the same as that on the affidavit of registration, the clerk may use the duplicate file of affidavits of registered voters or the facsimiles of voter's signatures, provided that the method of preparing and displaying the facsimiles complies with law.

Section 15. Notices.

(a) The City Clerk shall cause this Ordinance to be printed. A copy of this Ordinance shall be made available to any voter upon request.

(b) No earlier than March 6, 1989, nor later than March 20, 1989, the City Clerk shall publish once a week for two successive weeks in the *Modesto Bee*, a newspaper of general circulation published and circulated in the City, a synopsis of the measure set forth in Section 2 pursuant to Section 22835 of the Elections Code.

(c) This Ordinance shall be published once a day for at least seven (7) days in the *Modesto Bee*, a newspaper printed, published and circulated at least six (6) days a week in the City. The first of said publications shall be within fifteen (15) days after the adoption of this Ordinance. In addition, this Ordinance shall be published in the manner set forth in Section 716 of the Charter of the City.

Section 16. 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.

The foregoing Ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th of March, 1989, by Councilmember Lang, who moved its introduction and adoption which motion being duly seconded by Councilmember Sutton, was upon roll call carried by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: McGrath

ABSENT: Councilmembers: None

APPROVED: *Carol G. Whiteside*
CAROL G. WHITESIDE, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

Mark

ORDINANCE NO. 2655 -C.S.

AN ORDINANCE AMENDING SECTION MAP 30-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO PREZONING CERTAIN PROPERTY LOCATED THEREON. (GLENN MONTGOMERY)

WHEREAS, a verified application for an amendment to Section 30-3-9 of the Zoning Map was filed by Glenn Montgomery on behalf of Donna Morris on December 12, 1988, to prezone to Professional Office Zone, P-0, property located at the southwest corner of Kansas Avenue and Carpenter Road hereinafter described, and

WHEREAS, after a public hearing held on February 6, 1989, it was found and determined by the Planning Commission that pre zoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 89-15, adopted on February 6, 1989, the Planning Commission recommended to the Council that the application of Glenn Montgomery on behalf of Donna Morris to amend Section 30-3-9 of the Zoning Map to prezone the hereinafter described property to Professional Office Zone, P-0, 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 March 7, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested pre zoning 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:

1. That the proposed prezone is in accordance with community objectives as set forth in the General Plan, which provides for office uses that do not have large numbers of employees to be located adjacent to shopping centers. A neighborhood shopping center has been approved at the northwest corner of Kansas Avenue and Carpenter Road.

and

SECTION 2. ZONING CHANGE. Section 30-3-9 of the Zoning Map is hereby amended to prezone the following described property to Professional Office Zone, P-0:

All that real property situate in Lot 10 of Maze Ranch Subdivision as shown on the map filed in Volume 4 of Maps at page 18, Stanislaus County Records, lying in a portion of the Southwest one quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:

Commencing at the west quarter corner of said Section 30, said corner lying on the south line of original 40.00-foot wide County road known as Kansas Avenue; thence along said south line and quarter section line 89°28'22" East 43.67 feet to the true point of beginning of this description; thence continuing along said quarter section line 89°28'22" East 88.33 feet to the west line of 90.00-foot wide Carpenter Road; thence along said west line, South 0°31'34" East, 136.86 feet to a point on the northern line of State Highway 132; thence along the northern line of future State Highway 132, South 54°42'08" West 62.16 feet; thence continuing along said northern line, South 80°38'38" West 37.67 feet; thence leaving the northern line of Future State Highway 132, North 0°31'34" West 179.72 feet to the south line of aforementioned Kansas Avenue and the true point of beginning of this description.

Including also the west one-half of 90.00-foot wide Carpenter Road immediately adjacent to the above described property.

SECTION 3. ZONING MAP. Section 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 1989, by Councilmember McGrath, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
CAROL G. WHITESIDE, Mayor

ATTEST:

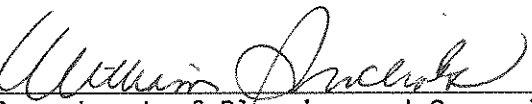
By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and Community
Development

Ord. No. 2655-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 21st day of March, 19 89, Councilmember Irizarry 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: Irizarry, Lang, McGrath, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

APPROVED 
MAYOR CAROL G. WHITESIDE

ATTEST: 
NORRINE COYLE City Clerk

EFFECTIVE DATE: April 20, 1989

Blank

Corrected 3/16/89

ORDINANCE NO. 2656 -C.S.

AN ORDINANCE AMENDING SECTION 11-1.14 OF CHAPTER 1 OF TITLE XI OF THE MODESTO MUNICIPAL CODE RELATING TO RULES AND REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 11-1.14 of Chapter 1 of Title XI of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 11-1.14 RULES AND REGULATIONS.

In addition to all other provisions and requirements of this chapter, the following additional rules and regulations for the use of water are hereby established. These provisions shall apply to all persons using water in the City regardless of whether any person using water shall have a contract for water service with the City. Failure to comply with any provision, requirement, rule, or regulation under this Chapter shall be unlawful and punishable as an infraction.

- (a) Consumers shall not waste water. The City may refuse service or discontinue service to any premises where water is being wasted. The City shall have the right to notify the occupant, in writing, of such waste and to discontinue service to the consumer. The City also reserves the right to install a water meter at the consumer's expense. If the City installs a meter, the charge for installation of the meter shall be paid before service is reestablished. Water waste includes, but is not limited to, the following:
 - (1) Watering lawns or gardens such that excess water leaves property being watered.
 - (2) Washing cars, building exteriors, mobile home exteriors, recreational vehicle exteriors, sidewalks, patios, driveways, gutters or other exterior surfaces without the use of a quick-acting positive shut-off nozzle on the hose.
 - (3) Having leaky faucets or plumbing fixtures on premises for any period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of twenty-four (24) hours after the water user discovers such break, leak, or malfunction, or receives notice from the City, whichever occurs first, is a reasonable time within which to correct such condition or to make arrangements for correction.

- (4) Watering in violation of the following schedule for lawn and plant watering between May 1 and September 30, inclusive:
- (aa) No lawn or plant watering will be allowed between two o'clock (2:00) p.m. and seven o'clock (7:00) p.m.;
 - (ab) Dwellings or establishments with odd-numbered street addresses shall water only on Mondays, Wednesdays, and Fridays subject to the time restrictions set forth above.
 - (ac) Dwellings or establishments with even numbered street addresses shall water only on Tuesdays, Thursdays, and Saturdays subject to the time restrictions set forth above.
 - (ad) Any dwelling or establishment can water on Sundays.
- (b) All water services installed shall have a wheel valve where the service pipe enters the house and/or structure.
- (c) In making plumbing connections, the consumer shall comply with the regulations of the State and County Department of Public Health. Such regulations prohibit (1) unprotected cross-connections between a public supply and any unapproved source of water and (2) water service to premises where there is a possibility of contaminated water backflowing into the public water system. In addition, approved double check valves or other protective devices shall be installed on water services when (1) another source of water, whether cross-connected or not, is in use or is available for use; or (2) contaminating liquid substances of any kind are used, produced or processed. The Public Works and Transportation Director shall determine the type, design and layout of backflow control devices required at each premises, and the devices shall be installed at the expense of the consumer. The control devices shall be inspected, tested and approved by the Public Works and Transportation Director as a condition of service to the premises.
- (d) Regulations of the California State Department of Public Health require the owner of any premises on or for which check valves or other protective devices are installed to inspect these devices for watertightness and reliability at least once per year. Double check valves and other protective devices may, in addition, be inspected and tested for watertightness by the City at any time. If the inspection cannot be made without undue difficulty because of an obstruction or other interference, the consumer will be notified and requested

either to correct the condition or have the inspection made at his own expense and witnessed by the City. Any defects found in any backflow control device shall be corrected by the consumer within three (3) days. Failure to correct such defects is cause for discontinuance of water service.

- (e) Water bills for unmetered services shall be issued on a bimonthly basis for water service in the months immediately preceding and following the first of the month in which they are issued. The water bills are due and payable upon presentation; and if they are not paid at the end of the month in which they are billed, they shall be considered delinquent. If they are delinquent for more than ten (10) days and a delinquent notice issued by the Director of Finance has been delivered to the user or posted on the premises, a delinquent charge shall be added to the regular service charges; and service shall be subject to being disconnected. If the water service is disconnected because of nonpayment, the service shall not be reconnected until the amount of the delinquent bill, including the delinquent charges and an additional charge for reconnection is paid except where a new owner has acquired title since the delinquent bill was incurred. The delinquent charge and reconnection charge shall be in accordance with a schedule approved by the Council from time to time by resolution.
- (f) Water bills for metered services shall be issued for the two (2) months immediately preceding the date of the meter reading and shall be due and payable upon presentation. If the water bills are not paid at the end of the month in which they are billed, they shall be considered delinquent; and the same procedure and charges as for the unmetered service shall apply.
- (g) No person shall supply water in any way for use outside of the premises to which the service is assigned or appurtenant except by permission from the Public Works and Transportation Director.
- (h) The water charges herein specified will be charged against vacant or untenanted buildings unless notice of the vacancy and a request for discontinuance of service is made to the office of the Director of Finance.
- (i) Access to service connections and water meters must be provided at all times.
- (j) All persons must keep the service pipes in good order at their own expense and may be held liable for damages which may result from their failure to do so. When leaky faucets or fixtures are discovered and not immediately repaired, the water service may be disconnected. Authorized employees of the City of Modesto shall be admitted at all reasonable hours to all parts

of any premises supplied with water, except the interior of dwellings, but including the meter box, to see that the regulations contained in this chapter are observed and complied with.

- (k) It shall be unlawful for any person to interfere with the City service lines, valves or meters or to construct a bypass around a meter or service.
- (l) Owners of property will be held responsible for water used on their premises, although payments will be accepted from tenants. In case the tenants do not pay in accordance with the provisions of this chapter, the service may be disconnected and shall not be restored until the delinquent water charges, including the cost of water delivered as well as the cost of reconnecting service, shall have been paid.
- (m) All unpaid accounts for water delivered at any premises shall be a lien against the real property.
- (n) Independent fire sprinkler systems and private fire hydrant systems shall have an "idler assembly" installed in the service line to permit future installation of a check valve and a bypass meter assembly. If the Public Works and Transportation Director determines that an independent fire sprinkler system or private fire hydrant system is being used for other than fire prevention and suppression purposes, he may install a check valve and bypass assembly. The cost of such installation plus ten (10) percent shall be paid by the consumer.
- (o) When a water connection fee is paid for a particular parcel, it shall be credited to subsequent owners of that parcel. Refunds shall be made for duplicate payments. Additional fees will be required where there are zoning, use or density changes that will increase the fees.
- (p) Additional rules and regulations concerning the operation of the municipal water system and water conservation may be established by the Council from time to time by resolution.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3)

prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 1989, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

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ORDINANCE NO. 2656 -C.S.

AN ORDINANCE AMENDING SECTION 11-1.14 OF CHAPTER 1 OF TITLE XI OF THE MODESTO MUNICIPAL CODE RELATING TO RULES AND REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 11-1.14 of Chapter 1 of Title XI of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 11-1.14 RULES AND REGULATIONS.

In addition to all other provisions and requirements of this chapter, the following additional rules and regulations for the use of water are hereby established. These provisions shall apply to all persons using water in the City regardless of whether any person using water shall have a contract for water service with the City. Failure to comply with any provision, requirement, rule, or regulation under this Chapter shall be unlawful and punishable as an infraction.

- (a) Consumers shall not waste water. The City may refuse service or discontinue service to any premises where water is being wasted. The City shall have the right to notify the occupant, in writing, of such waste and to discontinue service to the consumer. The City also reserves the right to install a water meter at the consumer's expense. If the City installs a meter, the charge for installation of the meter shall be paid before service is reestablished. Water waste includes, but is not limited to, the following:
 - (1) Watering lawns or gardens such that excess water leaves property being watered.
 - (2) Washing cars, building exteriors, mobile home exteriors, recreational vehicle exteriors, sidewalks, patios, driveways, gutters or other exterior surfaces without the use of a quick-acting positive shut-off nozzle on the hose.
 - (3) Having leaky faucets or plumbing fixtures on premises for any period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of twenty-four (24) hours after the water user discovers such break, leak, or malfunction, or receives notice from the City, whichever occurs first, is a reasonable time within which to correct such condition or to make arrangements for correction.

- (4) Watering in violation of the following schedule for lawn and plant watering between May 1 and September 30, inclusive:
- (aa) No lawn or plant watering will be allowed between two o'clock (2:00) p.m. and seven o'clock (7:00) p.m.;
 - (ab) Dwellings or establishments with odd-numbered street addresses shall water only on Mondays, Wednesdays, and Fridays subject to the time restrictions set forth above.
 - (ac) Dwellings or establishments with even numbered street addresses shall water only on Tuesdays, Thursdays, and Saturdays subject to the time restrictions set forth above.
 - (ad) Any dwelling or establishment can water on Sundays.
- (b) All water services installed shall have a wheel valve where the service pipe enters the house and/or structure.
- (c) In making plumbing connections, the consumer shall comply with the regulations of the State and County Department of Public Health. Such regulations prohibit (1) unprotected cross-connections between a public supply and any unapproved source of water and (2) water service to premises where there is a possibility of contaminated water backflowing into the public water system. In addition, approved double check valves or other protective devices shall be installed on water services when (1) another source of water, whether cross-connected or not, is in use or is available for use; or (2) contaminating liquid substances of any kind are used, produced or processed. The Director of Utility Services shall determine the type, design and layout of backflow control devices required at each premises, and the devices shall be installed at the expense of the consumer. The control devices shall be inspected, tested and approved by the Director of Utility Services as a condition of service to the premises.
- (d) Regulations of the California State Department of Public Health require the owner of any premises on or for which check valves or other protective devices are installed to inspect these devices for watertightness and reliability at least once per year. Double check valves and other protective devices may, in addition, be inspected and tested for watertightness by the City at any time. If the inspection cannot be made without undue difficulty because of an obstruction or other interference, the consumer will be notified and requested

either to correct the condition or have the inspection made at his own expense and witnessed by the City. Any defects found in any backflow control device shall be corrected by the consumer within three (3) days. Failure to correct such defects is cause for discontinuance of water service.

- (e) Water bills for unmetered services shall be issued on a bimonthly basis for water service in the months immediately preceding and following the first of the month in which they are issued. The water bills are due and payable upon presentation; and if they are not paid at the end of the month in which they are billed, they shall be considered delinquent. If they are delinquent for more than ten (10) days and a delinquent notice issued by the Director of Finance has been delivered to the user or posted on the premises, a delinquent charge shall be added to the regular service charges; and service shall be subject to being disconnected. If the water service is disconnected because of nonpayment, the service shall not be reconnected until the amount of the delinquent bill, including the delinquent charges and an additional charge for reconnection is paid except where a new owner has acquired title since the delinquent bill was incurred. The delinquent charge and reconnection charge shall be in accordance with a schedule approved by the Council from time to time by resolution.
- (f) Water bills for metered services shall be issued for the two (2) months immediately preceding the date of the meter reading and shall be due and payable upon presentation. If the water bills are not paid at the end of the month in which they are billed, they shall be considered delinquent; and the same procedure and charges as for the unmetered service shall apply.
- (g) No person shall supply water in any way for use outside of the premises to which the service is assigned or appurtenant except by permission from the Director of Utility Services.
- (h) The water charges herein specified will be charged against vacant or untenanted buildings unless notice of the vacancy and a request for discontinuance of service is made to the office of the Director of Finance.
- (i) Access to service connections and water meters must be provided at all times.
- (j) All persons must keep the service pipes in good order at their own expense and may be held liable for damages which may result from their failure to do so. When leaky faucets or fixtures are discovered and not immediately repaired, the water service may be disconnected. Authorized employees of the City of Modesto shall be admitted at all reasonable hours to all parts

of any premises supplied with water, except the interior of dwellings, but including the meter box, to see that the regulations contained in this chapter are observed and complied with.

- (k) It shall be unlawful for any person to interfere with the City service lines, valves or meters or to construct a bypass around a meter or service.
- (l) Owners of property will be held responsible for water used on their premises, although payments will be accepted from tenants. In case the tenants do not pay in accordance with the provisions of this chapter, the service may be disconnected and shall not be restored until the delinquent water charges, including the cost of water delivered as well as the cost of reconnecting service, shall have been paid.
- (m) All unpaid accounts for water delivered at any premises shall be a lien against the real property.
- (n) Independent fire sprinkler systems and private fire hydrant systems shall have an "idler assembly" installed in the service line to permit future installation of a check valve and a bypass meter assembly. If the Director of Utility Services determines that an independent fire sprinkler system or private fire hydrant system is being used for other than fire prevention and suppression purposes, he may install a check valve and bypass assembly. The cost of such installation plus ten (10) percent shall be paid by the consumer.
- (o) When a water connection fee is paid for a particular parcel, it shall be credited to subsequent owners of that parcel. Refunds shall be made for duplicate payments. Additional fees will be required where there are zoning, use or density changes that will increase the fees.
- (p) Additional rules and regulations concerning the operation of the municipal water system and water conservation may be established by the Council from time to time by resolution.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3)

prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 1989, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: _____
CAROL G. WHITESIDE, Mayor

ATTEST:

By _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
STAN T. YAMAMOTO, City Attorney

Ord. No. 2656-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 21st day of March, 19 89, Councilmember Irizarry 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: Irizarry, Lang, McGrath, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

APPROVED *Carol G. Whiteside*
MAYOR CAROL G. WHITESIDE

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 20, 1989

Blank

ORDINANCE NO. 2657 -C.S.

AN ORDINANCE AMENDING SECTION MAP 31-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D(463), PROPERTY LOCATED ON THE SOUTH SIDE OF BRIGGS AVENUE AND WEST OF SPENCER STREET (P & R ENTERPRISES).

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

SECTION 1. ZONING CHANGE. Section 31-3-9 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(463):

All that certain real property situate in a portion of the Southeast quarter of Section 31, 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:

The West 93.35 feet of Lot 11 and the East 186.70 feet of Lot 16, of the re-survey of Brichman's addition to the City of Modesto, as per map filed October 15, 1904, in Volume 2 of Maps at Page 1, in the office of the Recorder of Stanislaus County, California.

Including also the south one-half of 60.00-foot wide Briggs Avenue located immediately adjacent to the above-described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(463) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. Zero lot line single-family units.
2. Duplex units.

SECTION 3. ZONING MAP. Section Map 31-3-9 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of March, 1989, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Sutton

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By Altibam Juulide
Department of Planning and
Community Development

Ord. No. 2657-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 28th day of March, 19 89, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

APPROVED *Carol G. Whiteside*
MAYOR CAROL G. WHITESIDE

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 27, 1989

ORDINANCE NO. 2658 -C.S.

AN ORDINANCE AMENDING SECTION MAP 8-4-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(462), PROPERTY LOCATED ON THE SOUTHEAST CORNER OF HATCH ROAD AND BOISE AVENUE (ARAMBEL AND ROSE).

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(462):

All that certain real property situate in a portion of the northwest quarter of Section 8, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

All of Parcel A as shown on that certain parcel map filed in the office of the Recorder of Stanislaus County, California, on May 1, 1987, in Volume 39 of Parcel Maps at page 50.

Including also the southern 50.00 feet of Hatch Road and the eastern 30.00 feet of Boise Avenue and all immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(462) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. Two-story townhouse apartment complex.
2. Off-street parking as shown on the approved plan.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 1989, by Councilmember McGrath, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By William J. Smith
Department of Planning and
Community Development

Ord. No. 2658-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 4th day of April, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

APPROVED Carol Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 4, 1989

ORDINANCE NO. 2659 -C.S.

AN ORDINANCE AMENDING SECTION 5-6.04 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO SEWER BOND REDEMPTION CHARGES.

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

SECTION 1. AMENDMENT OF CODE: Section 5-6.04 of Chapter 6 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-6.04. SEWER BOND REDEMPTION CHARGES:

Each person owning property within the Sewer District shall pay a charge to the City for connecting to the sewage system in accordance with the following rates:

(a) Residential.

A bond redemption charge of one hundred dollars (\$100.00) per dwelling unit, a mobile home or mobile home space in a mobile home park shall be paid to the City for connection to the sewage system. The bond redemption charge shall increase to one hundred fifty dollars (\$150.00) on July 1, 1969, and shall increase at the rate of twenty-five dollars (\$25.00) per dwelling unit annually thereafter, commencing on July 1, 1970, unless specifically waived for the year involved by resolution of the City Council.

(b) Commercial and Industrial.

A bond redemption charge of four hundred dollars (\$400.00) per acre shall be paid to the City for connection to the sewage system. The bond redemption charge shall increase to six hundred dollars (\$600.00) on July 1, 1969, and shall increase one hundred dollars (\$100.00) per acre annually thereafter, commencing on July 1, 1970, unless specifically waived for the year involved by resolution of the City Council. Churches shall pay a commercial bond redemption charge.

(c) Unconnected Standby Sewer Service Charges.

Properties which paid unconnected standby sewer charges prior to July 1, 1969, shall be exempt from sewer bond redemption charges.

(d) Determination of Acreage.

The acreage used to determine the bond redemption charge shall be the total area developed or being developed which is owned, leased or controlled by the user.

In those instances where the total acreage owned, leased or controlled by the user is greater than that developed or being developed, the Director is authorized to determine the acreage to be used in determining the bond redemption charge. The remaining acreage shall pay a bond redemption charge at such time as it is developed.

Notwithstanding anything to the contrary contained in this chapter, the Council shall have the power to determine, by agreement, the total acreage developed or being developed which is owned, leased or controlled by a user meeting the criteria set forth below:

- (1) The user will establish a new industry or expand an existing industry within the Modesto Municipal Sewer District that results in more than 225 (two hundred twenty-five) new, permanent, on-site, full-time employees; and
- (2) The user will construct a new industrial building or building addition with total floor space in excess of one hundred seventy-five thousand (175,000) square feet with total project costs in excess of twenty million dollars (\$20,000,000).

If the property is developed beyond that development approved by the Council the developer shall pay a bond redemption charge on the additional acreage developed. If the user fails to meet either of the criteria after development, the agreement shall be void and a bond redemption charge shall be paid based on the total acreage developed or being developed had the above criteria not been applied.

A fee shall be paid to the City for the purpose of covering the cost of inspection of the premises to make determinations on the acreage to be covered by the bond redemption charge. Said fee shall be in accordance with a schedule approved by the Council from time to time by resolution.

For those properties connected to the sewage system whose zoning designation and/or use is changed from Residential to Commercial and Industrial or from Commercial and Industrial to Residential, a bond redemption charge equal to the difference, if any, between the current rate for the existing use and the current rate for the

proposed use shall be paid to the City. If the current rate for the proposed use is less than the current rate for the existing use, the user shall not be entitled to a refund.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

APPROVED:

Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Ord. No. 2659-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 11th day of April, 1989, Councilmember McGrath moved its final adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED *Carol G. Whiteside*
MAYOR CAROL G. WHITESIDE

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 30, 1989

Mark 24

ORDINANCE NO. 2660 -C.S.

AN ORDINANCE AMENDING SECTIONS 3-2.1401 AND 3-2.1401.1 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO.

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

SECTION 1. AMENDMENT OF CODE. Sections 3-2.1401 and 3-2.1401.1 of Article 14 of Chapter 2 of Title III of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 3-2.1401. CHANGE IN SPEED LIMITS SET BY STATE LAW.

Pursuant to authority contained in the California Vehicle Code Sections 22357 and 22358, it is hereby determined upon the basis of an engineering and traffic survey that the prima facie speed limits hereinafter set forth would facilitate the orderly movement of vehicular traffic and would be reasonable and safe, except when passing school grounds, and it is hereby determined that a speed limit greater than those hereinafter set forth would be more than is reasonable or safe. It is hereby declared that the prima facie speed limits hereinafter set forth are established according to law.

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>
ALICE STREET, between Sycamore Avenue and McHenry Avenue	25 miles per hour
BLUE GUM AVENUE, between Carpenter Road and Culpepper Avenue	25 miles per hour
BRIGGSMORE AVENUE, between Sisk Road and Prescott Road	30 miles per hour
CARPENTER ROAD, between Blue Gum Avenue and Orangeburg Avenue	30 miles per hour
CARPENTER ROAD, between the Tuolumne River and Robertson Road	35 miles per hour
CENTER STREET, between Rosedale Avenue and Calaveras Avenue	25 miles per hour
CONANT AVENUE, between Sisk Road and Rumble Road	25 miles per hour

CONANT AVENUE, between Standiford Avenue and Veneman Avenue	25 miles per hour
CROWS LANDING, between 7th Street and Blankenburg Avenue; those portions within the City	35 miles per hour
CROWS LANDING, between School Avenue and Imperial Avenue; those portions within the City	35 miles per hour
CROWS LANDING, between Imperial Avenue and Whitmore; those portions within the City	45 miles per hour
DEL VALE AVENUE, between Del Vista Avenue and Glenwood Drive	25 miles per hour
EMERALD AVENUE, between Maze Boulevard and Kansas Avenue within the City limits	25 miles per hour
ENSLLEN AVENUE, between Granger Avenue and Orangeburg Avenue	25 miles per hour
FAIRMONT AVENUE, between Virginia Avenue and McHenry Avenue	25 miles per hour
GRAPE AVENUE, between Pearl Street and Evergreen Avenue	25 miles per hour
GRISWOLD AVENUE, between Virginia Avenue and McHenry Avenue	25 miles per hour
HADDON AVENUE, between La Loma Avenue and Conejo Avenue	25 miles per hour
HASHEM DRIVE, between Sylvan Avenue and Oakdale Road	30 miles per hour
HATCH ROAD, within the City limits	35 miles per hour
JEFFERSON STREET, between Paradise Road and 8th Street	25 miles per hour
K STREET, between Washington Street and 9th Street	25 miles per hour
LEGION PARK ROAD, between Santa Cruz Avenue and Tioga Drive	25 miles per hour
LEVELAND LANE, between College Avenue and TSRR tracks	25 miles per hour

LINCOLN OAK DRIVE, between Merle Avenue and Floyd Avenue	25 miles per hour
LUCERN AVENUE, between Johnson Street and Coffee Road	25 miles per hour
MADISON STREET, between Paradise Avenue and Laurel Avenue	25 miles per hour
MORTON BOULEVARD, between 9th Street and Downey Avenue	25 miles per hour
NEECE DRIVE, between Rouse Avenue and Sunset Avenue	25 miles per hour
N. MARTIN LUTHER KING DRIVE, between Maze Boulevard and Laurel Avenue	25 miles per hour
PARKER ROAD, between Claus Road and the Atchinson, Topeka and Santa Fe Railroad Tracks within the City Limits	50 miles per hour
PEARL STREET, between Carver Road and Dougfir Drive	25 miles per hour
RIVER ROAD, between Herndon Avenue and 1,200 feet west of Herndon Avenue	35 miles per hour
ROBLE AVENUE, between Santa Ana Avenue and Rosina Avenue	25 miles per hour
SHERWOOD AVENUE, between Orangeburg Avenue and Briggsmore Avenue	25 miles per hour
SNYDER AVENUE, between Blue Bird Drive and Dale Road	25 miles per hour
STODDARD AVENUE, between McHenry Avenue and Virginia Avenue	25 miles per hour
TIOGA DRIVE, between Conejo Avenue and Legion Park Drive	25 miles per hour
WESTERN WAY, between Sutter Avenue and Roselawn Avenue	25 miles per hour
WRIGHT STREET, between Sycamore Avenue and McHenry Avenue	25 miles per hour

7TH STREET, between Sierra Drive and the Tuolumne River	25 miles per hour
9TH STREET, between 400' north of Tully Road and P Street	35 miles per hour
9TH STREET, between D Street and north end of the Tuolumne River Bridge	30 miles per hour
9TH STREET, on the Tuolumne River Bridge	40 miles per hour

SEC. 3-2.1401.1. CHANGE IN SPEED LIMITS SET BY STATE LAW:
FOR PURPOSE OF ENFORCEMENT USING RADAR OR OTHER ELECTRONIC DEVICE.

By authority of, and upon the basis of engineering and traffic surveys conducted pursuant to Vehicle Code and the Traffic Manual of the Department of Transportation, it is determined that the prima facie speed limits which follow would facilitate the orderly movement of vehicular traffic and would be reasonable and safe.

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>	<u>DATE SURVEYED</u>
BLUE GUM AVENUE, between Poust and Carpenter Roads	40 miles per hour	December 5, 1984
BOWEN AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	June 2, 1987
BRIGGSMORE AVENUE, between Prescott Road and Tully Road	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, (east and westbound) between Tully Road and McHenry Avenue	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, (westbound) between Coffee Road and McHenry Avenue	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, (east- bound) between McHenry Avenue and 1,000 feet west of Coffee Road	40 miles per hour	June 2, 1987
BRIGGSMORE AVENUE, (eastbound), between a point 1,000 feet west of Coffee Road and Coffee Road	40 miles per hour	October 20, 1988

BRIGGSMORE AVENUE, between Coffee Road and Rose Avenue	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, between Rose Avenue and Oakdale Road	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, between Oakdale Road and Claus Road	45 miles per hour	October 20, 1988
BRIGHTON AVENUE, between Coffee Road and Locke Road	30 miles per hour	March 2, 1988
CALIFORNIA AVENUE, between Carpenter Road and N. Martin Luther King Drive within the City limits	35 miles per hour	February 24, 1987
CARPENTER ROAD, between Blue Gum Avenue and Woodland Avenue within the City limits	45 miles per hour	November 2, 1988
CARPENTER ROAD, between Woodland Avenue and Maze Boulevard within the City limits	40 miles per hour	March 14, 1989
CARPENTER ROAD, between Maze Boulevard and Paradise Road within the City limits	45 miles per hour	October 26, 1988
CARVER ROAD, between M.I.D. Lateral No. 6 and Brixton Lane within the City limits	40 miles per hour	March 27, 1986
CARVER ROAD, between Brixton Lane and Briggsmore Avenue	35 miles per hour	May 26, 1987
CARVER ROAD, between Briggsmore Avenue and Orangeburg Avenue	30 miles per hour	May 8, 1987
CARVER ROAD, between Orangeburg Avenue and 9th Street within the City limits	35 miles per hour	May 26, 1987
CELESTE DRIVE, between Coffee Road and Oakdale Road	30 miles per hour	March 8, 1988
CLAUS ROAD, between M.I.D. Lateral No. 3 and 200' south of Scenic Drive	45 miles per hour	October 26, 1988

CLAUS ROAD, between 200' south of Scenic Drive and Yosemite Boulevard	50 miles per hour	February 14, 1989
COFFEE ROAD, between Mable Avenue and Sylvan Avenue within the City limits	45 miles per hour	April 17, 1986
COFFEE ROAD, between Sylvan Avenue and Floyd Avenue within the City limits	35 miles per hour	October 27, 1988
COFFEE ROAD, between Floyd Avenue and Briggsmore Avenue	35 miles per hour	October 27, 1988
COFFEE ROAD, between Briggsmore Avenue and Scenic Drive	35 miles per hour	October 27, 1988
COLLEGE AVENUE, between Rumble Road and Bowen Avenue	30 miles per hour	October 27, 1988
COLLEGE AVENUE, between Bowen Avenue and Princeton Avenue	35 miles per hour	June 2, 1987
CROWS LANDING ROAD, Blankenburg Avenue to School Avenue, within the City limits	35 miles per hour	March 2, 1988
DALE ROAD, between Pelandale Avenue and Snyder Avenue within the City limits	35 miles per hour	September 2, 1987
DALE ROAD, between Snyder Avenue and Veneman Avenue	35 miles per hour	September 2, 1987
DALE ROAD, between Veneman Avenue and Standiford Avenue	35 miles per hour	October 20, 1988
EASTRIDGE DRIVE, between Orangeburg Avenue and Scenic Drive	30 miles per hour	March 7, 1988
EICHER AVENUE, between Conant Avenue and Goldie Avenue	30 miles per hour	September 19, 1985
EL VISTA AVENUE, between Scenic Drive and Yosemite Boulevard	35 miles per hour	October 26, 1988

EMERALD AVENUE, between Maze Boulevard and California Avenue within the City limits	35 miles per hour	March 2, 1988
ENCINA AVENUE, between Santa Barbara Avenue and Conejo Avenue	30 miles per hour	March 8, 1988
EVERGREEN AVENUE, between Orangeburg Avenue and Carver Road	30 miles per hour	June 23, 1988
FAIRMONT AVENUE, between Sunrise Avenue and Coffee Road	30 miles per hour	March 7, 1988
FLOYD AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	May 26, 1987
FLOYD AVENUE, between Coffee Road and Oakdale Road	30 miles per hour	March 8, 1988
FLOYD AVENUE, between Oakdale Road and Roselle Avenue within the City limits	35 miles per hour	August 26, 1987
GRANGER AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	March 8, 1988
GRANGER AVENUE, between McHenry Avenue and Sunrise Avenue	30 miles per hour	March 7, 1988
KANSAS AVENUE, between Carpenter Road and Emerald Avenue within the City limits	40 miles per hour	March 19, 1986
KANSAS AVENUE, between Emerald Avenue and Eighth Street	35 miles per hour	October 26, 1988
KEARNEY AVENUE, between Glenwood Drive and Coldwell Avenue	30 miles per hour	September 18, 1985
KELLER STREET, between Sylvan Avenue and Rumble Road within the City limits	30 miles per hour	October 27, 1988
LA LOMA AVENUE, between H Street and Santa Ana Avenue	35 miles per hour	August 27, 1986

LA LOMA AVENUE, between Santa Ana Avenue and Yosemite Boulevard	35 miles per hour	August 27, 1986
LAKWOOD AVENUE, between Orangeburg Avenue and Scenic Drive	30 miles per hour	March 7, 1988
LINCOLN AVENUE, between 650' north of M.I.D. Lateral No. 2 and Yosemite Boulevard	35 miles per hour	December 8, 1984
MABLE AVENUE, between Coffee Road and Oakdale Road	35 miles per hour	September 19, 1985
MERLE AVENUE, between Oakdale Road and Roselle Avenue	35 miles per hour	March 14, 1989
MILLER AVENUE, between La Loma Avenue and El Vista Avenue	35 miles per hour	June 11, 1987
MITCHELL ROAD, between Finch Road and the southerly City limits	50 miles per hour	June 11, 1987
MORRIS AVENUE, between McHenry Avenue and Coffee Road	30 miles per hour	May 26, 1987
MT. VERNON DRIVE, between Prescott Road and Carver Road	30 miles per hour	March 8, 1988
MT. VERNON DRIVE, between Carver Road and College Avenue	30 miles per hour	March 8, 1988
NEECE DRIVE, between Tuolumne Boulevard and Rouse Avenue	35 miles per hour	March 2, 1988
NEEDHAM STREET, between 9th and L Streets	35 miles per hour	March 2, 1988
N. MARTIN LUTHER KING DRIVE, between Maze Boulevard and California Avenue	30 miles per hour	June 24, 1987
NORWEGIAN AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	March 8, 1988
OAKDALE ROAD, between Mable Avenue and Sylvan Avenue within the City limits	50 miles per hour	March 14, 1989

OAKDALE ROAD, between Sylvan Avenue and Floyd Avenue within the City limits	45 miles per hour	March 14, 1989
OAKDALE ROAD, between Floyd Avenue and Briggsmore Avenue	35 miles per hour	April 21, 1988
OAKDALE ROAD, between Briggsmore Avenue and Scenic Drive	35 miles per hour	April 21, 1988
ORANGEBURG AVENUE, between Briggsmore Avenue and Martin Avenue	30 miles per hour	April 11, 1985
ORANGEBURG AVENUE, between Martin Avenue and McHenry Avenue	35 miles per hour	March 9, 1988
ORANGEBURG AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	March 31, 1988
ORANGEBURG AVENUE, between Coffee Road and Oakdale Road	35 miles per hour	March 17, 1986
ORANGEBURG AVENUE, between Oakdale Road and Lakewood Avenue	35 miles per hour	November 19, 1984
ORANGEBURG AVENUE, between Lakewood Avenue and Claus Road	35 miles per hour	December 6, 1984
PARADISE ROAD, between Vernon Avenue and N. Martin Luther King Drive within the City limits	35 miles per hour	March 14, 1989
PARADISE ROAD, between N. Martin Luther King Drive and Washington Street	30 miles per hour	March 14, 1989
PRESCOTT ROAD, between Snyder Avenue and Standiford Avenue	35 miles per hour	March 9, 1988
PRESCOTT ROAD, between Standiford Avenue and Rumble Road	35 miles per hour	March 9, 1988
PRESCOTT ROAD, between Rumble Road and Briggsmore Avenue	35 miles per hour	October 20, 1988

PRINCETON AVENUE, between Tully Road and College Avenue	25 miles per hour	December 8, 1984
RIVERSIDE DRIVE, between Edge- brook Drive and Yosemite Boulevard	35 miles per hour	September 19, 1985
ROSE AVENUE, between Floyd Avenue and Briggsmore Avenue	35 miles per hour	May 26, 1987
ROSE AVENUE, between Briggsmore Avenue and Scenic Drive	35 miles per hour	May 26, 1987
ROSEBURG AVENUE, between Carver Road and Tully Road	30 miles per hour	March 7, 1988
ROSEBURG AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	March 7, 1988
ROSEBURG AVENUE, between McHenry Avenue and Sunrise Avenue	35 miles per hour	March 7, 1988
ROSEMORE AVENUE, between Blue Gum Avenue and Kansas Avenue within the City limits	35 miles per hour	October 31, 1985
ROUSE AVENUE, between Neece Drive and Colorado Avenue within the City limits	35 miles per hour	June 26, 1987
RUMBLE ROAD, between Sisk Road and Conant Avenue	40 miles per hour	March 27-28, 1986
RUMBLE ROAD, between Conant Avenue and Tully Road	30 miles per hour	March 9, 1988
RUMBLE ROAD, between Tully Road and McHenry Avenue	35 miles per hour	September 18, 1985
RUMBLE ROAD, between McHenry Avenue and Coffee Road	35 miles per hour	March 8, 1988
SANTA CRUZ AVENUE, between Yosemite Boulevard and Legion Park Drive within the City limits	35 miles per hour	October 9, 1985
SCENIC DRIVE, between Burney Street and Coffee Road	30 miles per hour	March 2, 1988

SCENIC DRIVE, between Coffee Road and Oakdale Road	40 miles per hour	March 17, 1986
SCENIC DRIVE, between Oakdale Road and Lakewood Avenue	45 miles per hour	July 22, 1985
SCENIC DRIVE, between Lakewood Avenue and Lillian Drive	30 miles per hour	March 7, 1988
SCENIC DRIVE, between Lillian Drive and Claus Road	40 miles per hour	June 11, 1987
SHARON WAY, between Budd Street and Prescott Road	30 miles per hour	March 8, 1988
SIERRA DRIVE, between G and South 7th Streets	30 miles per hour	March 2, 1988
SISK ROAD, between 600' north of Vintage Drive and Standiford Avenue	40 miles per hour	December 9, 1985
SISK ROAD, between Standiford Avenue and Briggsmore Avenue	40 miles per hour	March 28, 1986
SNYDER AVENUE, between Dale Road and Prescott Road within the City limits	35 miles per hour	September 30, 1987
SNYDER AVENUE, between Prescott Road and Carver Road within the City limits	40 miles per hour	September 30, 1987
STANDIFORD AVENUE, between Dale Road and Prescott Road within the City limits	40 miles per hour	December 8, 1984
STANDIFORD AVENUE, between Prescott Road and Carver Road	40 miles per hour	December 8, 1984
STANDIFORD AVENUE, between Carver Road and Tully Road	40 miles per hour	October 26, 1988
STANDIFORD AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	March 14, 1989
SUNRISE AVENUE, between Floyd Avenue and Briggsmore Avenue	30 miles per hour	March 8, 1988

SUNRISE AVENUE, between Briggsmore Avenue and Lucern Avenue	30 miles per hour	December 8, 1984
SURREY AVENUE, between Oakdale Road and Eastridge Drive	30 miles per hour	December 6, 1984
SUTTER AVENUE, between Paradise Road and Robertson Road within the City limits	30 miles per hour	June 24, 1987
SYCAMORE AVENUE, between Orangeburg Avenue and Griswold Avenue	30 miles per hour	October 26, 1988
SYLVAN AVENUE, between McHenry Avenue and Coffee Road	40 miles per hour	December 8, 1984
SYLVAN AVENUE, between Coffee Road and Oakdale Road	35 miles per hour	February 14, 1989
TENAYA DRIVE, between Santa Rita Avenue and South Riverside Drive within the City limits	35 miles per hour	October 9, 1985
TULLY ROAD, between M.I.D. Lateral No. 6 and Standiford Avenue	35 miles per hour	March 9, 1988
TULLY ROAD, between Standiford Avenue and Coldwell Avenue	35 miles per hour	June 2, 1987
TUOLUMNE BOULEVARD, between Paradise Road and 7th Street	35 miles per hour	June 24, 1987
VENEMAN AVENUE, between Dale Road and Regency Park Drive	35 miles per hour	June 2, 1987
VENEMAN AVENUE NORTH, between Regency Park Drive and Snyder Avenue	25 miles per hour	October 28, 1988
VIRGINIA AVENUE, between Roseburg Avenue and Needham Street	30 miles per hour	March 7, 1988

WHITMORE AVENUE, between Crows Landing Road and Morgan Road within the City limits	45 miles per hour	March 27, 1986
WOODLAND AVENUE, between Morse Road and Carpenter Road, within the City limits	35 miles per hour	October 26, 1988
WOODLAND AVENUE, between Carpenter Road and 9th Street, within the City limits	35 miles per hour	August 28, 1986
WOODROW AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	March 9, 1988
WYLIE DRIVE, between Rose Avenue and Oakdale Road	30 miles per hour	October 26, 1988
9TH STREET, between Carpenter Road and 400' north of Tully Road within the City limits	45 miles per hour	December 2, 1986
9TH STREET, between P Street and L Street	35 miles per hour	March 19, 1986

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 1989, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Murator, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

APPROVED: *Carol G. Whiteside*
CAROL G. WHITESIDE, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

Ord. No. 2660-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 11th day of April, 1989, Councilmember McGrath moved its final adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED Carol G. Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 30, 1989

ORDINANCE NO. 2661 -C.S.

AN ORDINANCE AMENDING SECTIONS 10-2.2108 AND 10-2.2110 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO HEIGHT LIMITATIONS ON WALL SIGNS.

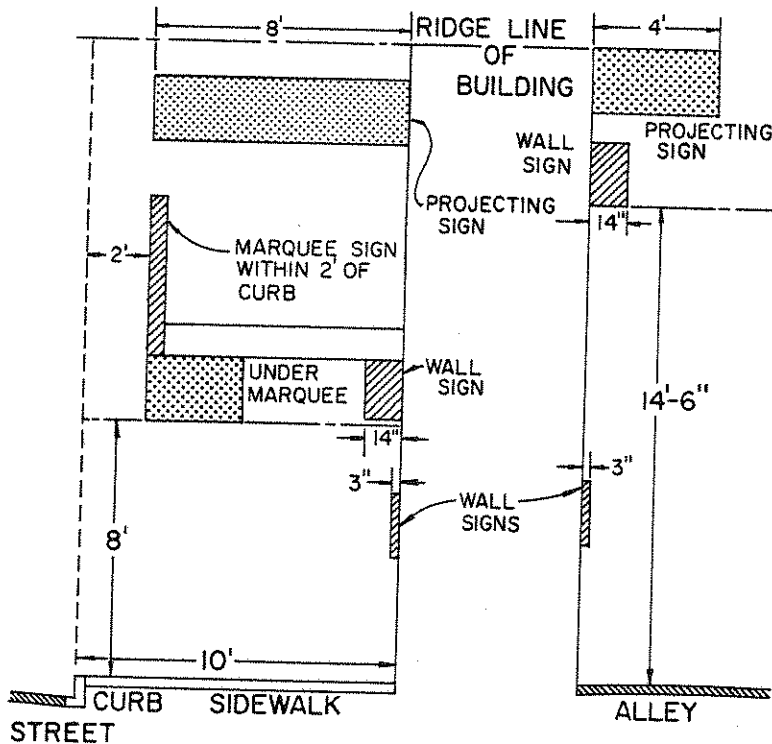
The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. SECTIONS 10-2.2108 and 10-2.2110 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.2108. GENERAL REQUIREMENTS.

- (a) Height Limitation. The maximum height of any sign shall be as stated herein, but in no case shall a sign exceed thirty-five (35) feet in height, except for freestanding signs along Freeway 99 permitted by Section 10-2.2110(a)(3)(ab) and Section 10-2.2110(b)(3)(ab) and wall signs permitted by Section 10-2.2110(a)(4)(ac).
- (b) Rotating, Moving, Flashing, Changing or Blinking Signs. No sign shall have or consist of any moving, rotating or otherwise animated part or any flashing, blinking, fluctuating or otherwise animated light. The provisions of this subsection shall not be applied so as to prohibit the following types of signs:
 - (1) A conventional clock face.
 - (2) A sign showing digital time with changes in time not more often than once a minute.
 - (3) A sign showing digital temperature with changes in temperature only when there is a rise or fall of one (1) degree or more. Changes from Fahrenheit readings to Centigrade readings shall occur not more frequently than five (5)-second intervals.
 - (4) A sign showing time and temperature subject to changes not more frequently than at five (5)-second intervals.
 - (5) An on-premises barber pole of a length not to exceed thirty (30) inches of traditional design which shall be permitted to revolve during the time that a barbershop is open for business. Said sign shall not exceed ten (10) feet in height.
- (c) Projections. All signs, if otherwise authorized, are permitted to project into required front, side and rear yards. The permitted projection of an authorized sign into any street or alley right-of-way is as follows:

- (1) Freestanding sign: No projection.
- (2) Wall sign: Up to fourteen (14) inches in thickness.
- (3) Marquee sign: Not closer than two (2) feet from the face of the curb.
- (4) Projecting sign: Up to eight (8) feet into any street right-of-way and up to four (4) feet into any alley right-of-way, but not closer than two (2) feet from the face of the curb.
- (5) Bus bench sign: Entirely within street right-of-way.



PROJECTION OF SIGNS INTO STREET AND ALLEY RIGHT-OF-WAY

- (d) Vertical Clearance. No sign shall be less than eight (8) feet above a public or private sidewalk or fourteen and one-half (14.5) feet above ground level in areas open to vehicular traffic except wall signs not exceeding three (3) inches in thickness.
- (e) Obstructions to Doors, Windows or Fire Escapes. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window, fire escape or exit way.

- (f) Construction Standards. All signs, including all parts, portions, units and material comprising the same, together with the frames, backgrounds, supports and anchorage therefor shall be manufactured, fabricated, assembled, constructed and erected in accordance with applicable Building, Electrical and Fire Prevention Codes of the City of Modesto.
- (g) Illuminated Signs. Any illuminated sign or lighting device shall employ only lights emitting a light of constant intensity; and no sign shall be illuminated by or contain flashing intermittent, rotating or moving light or lights. In no event shall an illuminated sign or lighting device be so placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- (h) Signs Not to Constitute Vehicular Traffic Hazard. No sign, as regulated in this article, shall be erected at the intersection of any street, or at any railroad grade crossing, or at any driveway in such a manner as to obstruct free and clear vision of operators of motor vehicles, or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "STOP", "DANGER", or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse motorists.
- (i) Sign Company Identification. It shall be unlawful for any person to change copy on or to erect, alter, or relocate any sign without printing or causing to be printed in the lower right-hand corner of the sign in clearly legible letters the name of the person, firm or company doing such work, the date of such work, and the City of Modesto building permit number. Said information shall not exceed sixteen (16) square inches in area. If said information is not printed in the lower right-hand corner of a sign, the Chief Building Official may remove the sign pursuant to the provisions of Section 10-2.2103(k) of this article.
- (j) Temporary Signs. It shall be unlawful for any person to erect, install or maintain any temporary sign.
- (k) Bench Signs. It shall be unlawful for any person to erect, install or maintain any bench sign, except on public property pursuant to a franchise granted by the City of Modesto.
- (l) Wall Signs, Additional Standards. No wall sign shall exceed fourteen (14) inches in thickness; no display or messages shall be permitted on the edges of wall signs except the sign company's identification as required by paragraph (i) of this section.

- (m) **Ridgeline Limitation.** A wall, canopy, marquee or projecting sign shall not project above the ridgeline of the building on which the sign is mounted.
- (n) **Building Outlining.** Outlining of a building or its roof by means of permanent lighting by exposed neon tubing, exposed incandescent lighting or other artificial lighting, or an equivalent effect, is prohibited. "Outlining" means delineation, with a row or band of lights, of the edges of a roof or wall surface. This provision does not prohibit floodlighting or generally illuminating buildings and their roofs nor temporary Christmas displays.
- (o) **No Signs on Street Trees, Utility Poles or Structure in Street Right-of-Way.** No signs will be attached to any city street tree, or any poles such as utility poles, street signals, street lights, street name signs, or traffic warning signs, or on any bus shelter.
- (p) It shall be unlawful and punishable as an infraction for any person to place or cause to be placed any sign not in conformity with this Section.

SEC. 10-2.2110. SPECIFIC REQUIREMENTS FOR TYPE, AREA AND HEIGHT OF SIGNS IN THE C-1, C-2, C-3, C-M, M-1, M-2, B-P 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, C-2, C-M, M-1 and M-2 zones, 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 nonconforming sign subject to abatement according to the schedule set forth in Section 10-2.2107.

- (2) One (1) freestanding identification sign for a shopping center, as herein defined, 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 (0.5) the size of the lettering of the shopping center name on such sign.
 - (ac) Any freestanding 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) A shopping center, eligible for a freestanding identification sign, is usually characterized by a cluster of retail uses:
 - (i) At one (1) location held out to the public as a distinct shopping area and having a minimum of five (5) retail uses on the same or adjacent sites.
 - (ii) On one (1) or more parcels not normally traversed by any public streets.
 - (iii) With membership in a merchants association comprising the cluster.
 - (iv) That employ a common advertising program for such a center.
- (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 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 in accordance with Article 25 of Chapter 2 of Title X of this Code.

(aa) Said use permit shall be dependent upon the following two (2) 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 C-1 zone.

(ab) The Board 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:

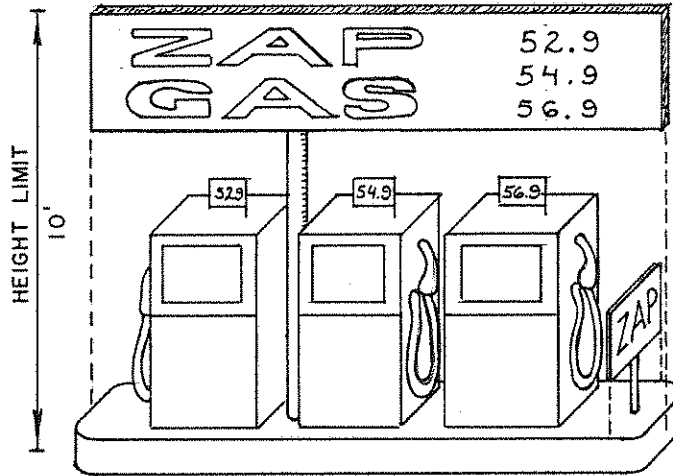
<u>Building Frontage</u>	<u>Maximum Total Area for All Canopy, Marquee, and Wall Identification Signs</u>
First 50 feet	4 square feet per lineal foot of building frontage plus
Next 50 feet	2 square feet per lineal foot of building frontage plus
Over 100 feet	0.5 square foot per lineal foot of building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

- (ac) That said signs shall not exceed thirty-five (35) feet in height nor project above a ridgeline, except that wall signs above thirty-five (35) feet in height may be approved subject to the securing of a conditional use permit from the Board in accordance with Article 25 of Chapter 2 of Title X of this Code. Said use permit will be dependent upon the following two (2) findings being shown:
 - (i) The building must exceed four (4) stories, or forty-eight (48) feet in height.
 - (ii) The applicant must show why wall signs at a thirty-five (35) foot height limit cannot properly identify and architecturally meet the design of the building. All options to reach a satisfactory solution must have been explored.
- (ad) That signs hung from a canopy shall be not less than eight (8) feet above a private sidewalk or fourteen and one-half (14.5) feet above ground level in areas open to vehicular traffic.
- (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 (0.5) of the area on a 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.

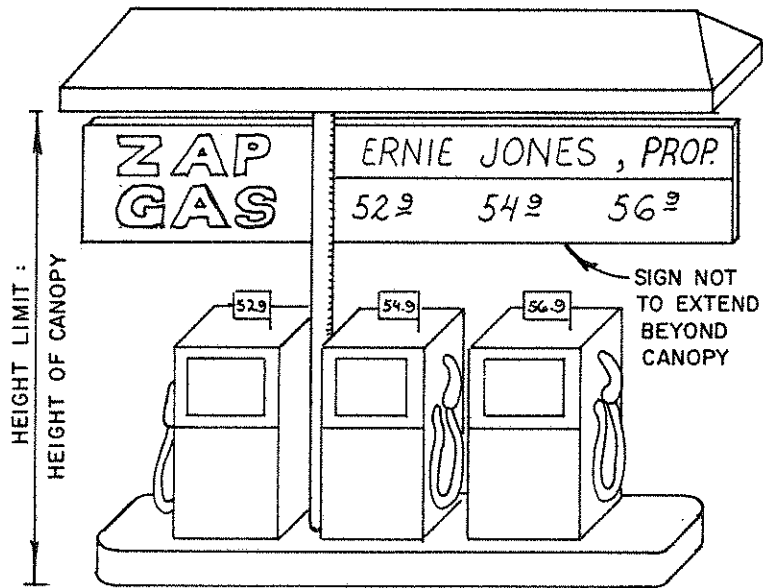
- (6) One (1) for sale or rent sign, not exceeding sixty-four (64) square feet in area and ten (10) feet in height.
- (7) One (1) construction sign, not exceeding sixty-four (64) square feet in area and ten (10) feet in height, provided such sign is removed not later than thirty (30) days after construction is completed.
- (8) One (1) sign hung from a marquee per street frontage for a given use, not exceeding six (6) square feet in area on any one side or twelve (12) square feet maximum total area. Said sign shall be not less than eight (8) feet above a public sidewalk and may be mounted at an angle to the leading edge of a marquee.
- (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 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 uprights, and nonmovable 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 sixty (160) square feet is permitted.

SIGN NOT TO EXTEND
BEYOND PUMP ISLAND



SERVICE STATION WITHOUT A CANOPY



SERVICE STATION WITH A CANOPY

- (15) Freestanding motor fuel price signs are permitted, as hereinafter specified, for businesses dispensing motor fuel to the public. The message on said signs shall be limited to specifying the prices and grades of motor fuel,

self-service or full service, and brand name of the motor fuel, as required by the California Business and Professions Code. Motor fuel price signs shall be permitted as follows:

- (aa) One (1) motor fuel price sign per street frontage of the site.
 - (ab) Maximum area shall be twenty-five (25) square feet for the self-service portion of the sign and six (6) square feet for a discount for cash portion of the sign; twenty-five (25) square feet for the full-service portion of the sign and six (6) square feet for a discount for cash portion of the sign; all can be combined as one (1) sign.
 - (ac) Maximum height of sign shall be fourteen (14) feet.
- (16) 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.
- (17) Banners for grand openings and banners for outdoor display or sale of goods may be erected and displayed as follows:
- (aa) One banner per street frontage.
 - (ab) Each banner shall not exceed seventy-two (72) square feet in area.
 - (ac) Each banner shall not exceed thirty-five (35) feet in height, or the ridgeline of the roof of the building, whichever is lower. If the banner is placed on a freestanding structure, the sign shall not exceed twenty (20) feet in height.
 - (ad) Banners for a grand opening shall be permitted for no more than fourteen (14) days at a newly opened business, after obtaining a permit from the Director. Banners are not permitted for grand openings of businesses not located on the premises.
 - (ae) Banners for outdoor display or sale of goods shall be permitted only in conjunction with the three (3) permitted outdoor display, sales and promotions, after obtaining a permit from the Director.
- (b) In the C-3 zone, the following signs are permitted:
- (1) Any signs allowed in the C-1 zone are permitted in the C-3 zone for uses permitted in Section 10-2.1205 excepting that freestanding, marquee, and projecting identification

signs as allowed in Section 10-2.2110(a)(1) and freestanding shopping center identification signs as allowed in Section 10-2.2110(a)(2) are not permitted in the C-3 zone.

- (2) Any signs allowed in the R-3 zone are permitted in the C-3 zone for uses permitted in Section 10-2.1204.
- (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 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 in accordance with Article 25 of Chapter 2 of Title X of this Code.
 - (aa) Said use permit shall be dependent upon the following two (2) 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 C-3 zone.
 - (ab) The Board 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 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) 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 in accordance with Article 25 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 C-3 zone.

(c) In the B-P zone, the following signs are permitted:

(1) Any signs allowed in the C-1 zone are permitted in the B-P zone for uses permitted in Section 10-2.1602 excepting that freestanding, marquee, and projecting identification signs as allowed in Section 10-2.2110(a)(1) and freestanding shopping center identification signs as allowed in Section 10-2.2110(a)(2) are not permitted in the B-P zone.

(2) For each parcel, one freestanding identification sign not exceeding seventy-two (72) square feet in area and six (6) feet in height.

(3) One freestanding identification sign for a business park, as herein defined, for each street on which the business park fronts may be approved subject to the approval of a plot plan by the Board of Zoning Adjustment and subject to the following provisions:

(aa) Each business park sign shall not exceed seventy-two (72) square feet in area and six (6) feet in height.

(ab) The identification on each business park sign shall be limited to the business park name, and logo.

(ac) A business park, eligible for a freestanding identification sign, is characterized by a cluster of business park uses:

(i) In a contiguous area that can be traversed by public streets, of at least fifty (50) acres held out to the public as a single development.

(ii) Represented by a single association or organization.

(d) For P-D zones the following signs are permitted:

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

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 11 day of April, 1989, by Councilmember Irizarry, 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: Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang


APPROVED: 
CAROL G. WHITESIDE, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2661-C.S.

FINAL ADOPTION CLAUSE

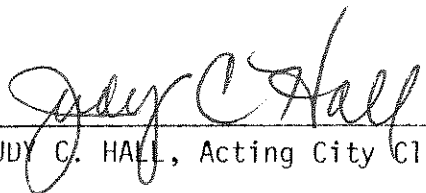
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 18th day of April, 19 89, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED 
MAYOR CAROL G. WHITESIDE

ATTEST: 
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: May 18, 1989

Clark

ORDINANCE NO. 2662 -C.S.

AN ORDINANCE AMENDING SECTIONS 4-4.503 AND 4-4.601 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO FILING FINAL MAPS.

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

SECTION 1. AMENDMENT OF CODE: Sections 4-4.503 and 4-4.601 of Chapter 4 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-4.503. FILING PARCEL MAPS.

- (a) Filing Within Twenty-Four (24) Months of Tentative Approval. The subdivider or his agent may file a parcel map with the City Engineer for his examination and certification within twenty-four (24) months after the approval or conditional approval of the tentative map. A map shall be deemed to be filed when it is accepted by the City as being in compliance with the provisions of this chapter and in substantial compliance with the tentative map. The twenty-four (24) month period shall not include any days during which the final map is being reviewed by the City. Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the Planning Commission may extend the time for filing a parcel map for a period or periods not exceeding two (2) years if it determines that conditions affecting the parcel map have not substantially changed. In any case where a parcel map has not been recorded within twenty-four (24) months or such extended period of time as may be granted by the Planning Commission, approval of a new tentative parcel map shall be required.

If a subdivider's application for an extension of time for filing a parcel map is denied by the Planning Commission, the subdivider may appeal to the City Council within fifteen (15) days after the Planning Commission has denied the time extension. The City Council shall hear such appeal in accordance with the provisions of Section 4-4.404(f) of this chapter.

A parcel map shall be prepared by a registered civil engineer or licensed land surveyor and shall substantially conform to the tentative parcel map and conditions thereto as approved by the Planning Commission.

- (b) Fees. A tracing of the parcel map shall be filed with the City Engineer. In addition, the subdivider shall deposit with the City the Recorder's fee for recording the parcel map.
- (c) Form of Parcel Map. The parcel map shall conform to the provisions of Section 4-4.602 for final maps where applicable. The map shall show the definite location of the parcel or parcels and particularly their relation to surrounding surveys. The location of any remainder of the original parcel shall be shown, but need not be shown as a matter of survey, but only by reference to the existing record boundaries if such remainder has a gross area of five (5) acres or more.

The parcel map may be compiled from record data when sufficient survey information exists on filed maps to locate and retrace the exterior boundary lines of the parcel map and when the location of at least one of these boundary lines can be established from an existing monument line. In any case, the parcel map may be based upon a field survey made in conformance with the Land Surveyor's Act.

- (d) Consent by Owner. The parcel map shall contain a certificate, which shall be signed and acknowledged by all parties having any record title interest in the real property being subdivided, consenting to the preparation and recording of the parcel map. Such signatures shall be in accordance with the provisions of Section 4-4.603(a)(1) of this chapter pertaining to final maps.
- (e) Dedications. If dedications of streets, alleys, walkways, easements, public utility easements, or other public ways, or access rights are required by the Planning Commission as conditions of approval of a parcel map, such dedications shall either be shown on and offered by a certificate on the parcel map or made by separate instrument as determined by the City Engineer. Such certificate or instrument shall be signed by those parties having any record title interest in the real property being subdivided in accordance with the provisions of Section 4-4.603(a)(1) of this chapter pertaining to final maps.
- (f) Certification by City Engineer. Upon receipt of the parcel map, together with the recording fees, and any required improvement security, the City Engineer shall examine the same to determine whether said map is technically correct and substantially conforms with the tentative parcel map and with all changes and requirements imposed as conditions of approval by the Planning Commission. The City Engineer shall also refer the parcel map to the Secretary of the Planning Commission for examination and determination if all of the lots and parcels created by said map conform with the requirements and the zoning regulations of the City of Modesto. If the City

Engineer shall determine that the parcel map fully conforms with all of the requirements set forth herein, he shall so certify on said map.

- (g) Acceptance of Dedications. Offers of dedication as set forth in subsection (e) of this section shall be reviewed by the City Engineer for compliance with the conditions of approval imposed by the Planning Commission. If all offers of dedication are in accordance with the requirements of the Planning Commission, the City Engineer shall recommend the acceptance of such dedications by the authorized official of the City.
- (h) Recordation of Parcel Maps. Upon certification by the City Engineer, the parcel map shall be transmitted to the City Clerk, who shall cause said map to be recorded in the office of the County Recorder.

SEC. 4-4.601. FILING.

- (a) Filing Within Twenty-Four (24) Months of Tentative Approval. The subdivider or his agent may file a final map within twenty-four (24) months after the approval or conditional approval of the tentative map. A map shall be deemed to be filed when it is accepted by the City as being in compliance with the provisions of this chapter and in substantial compliance with the tentative map. The twenty-four (24) month period shall not include any days during which the final map is being reviewed by the City. Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the Planning Commission may extend the time for filing a final map for a period or periods not exceeding three (3) years if it determines that conditions affecting the subdivision have not substantially changed. In any case where a final map has not been filed within twenty-four (24) months or such extended period of time as may be granted by the Planning Commission, approval of a new tentative map shall be required.

If a subdivider's application for an extension of time for filing a final map is denied by the Planning Commission, the subdivider may appeal to the City Council within fifteen (15) days after the Planning Commission has denied the time extension. The City Council shall hear such appeal in accordance with the provisions of Section 4-4.404(f) of this chapter.

- (b) Fees. A tracing of the final map shall be filed with the City Engineer. The subdivider shall deposit with the City the County Recorder's fee for recording the final map and shall pay to the City the fees for checking the map. Subdivider shall

also pay at that time all other fees required by law to be paid in connection with the approval of a subdivision.

- (c) Filing of Traverse Sheets. At the time of the filing of final map with the City Engineer, the subdivider shall also file therewith traverse sheets showing traverse closures and the computation of all distances, angles, and course shown on the final map. The traverse of the boundaries of the tract and of lots and blocks shall close within a limit of error of one (1) in ten thousand (10,000).
- (d) Report and Guarantee of Clear Title. The final map shall be accompanied by a report prepared by a duly authorized title company naming the persons whose consent is necessary to the preparation and recordation of said map and to the dedication of the streets, alleys, and other public places shown on the map and certifying that as of the date of the preparation of the report, the persons therein named are all the persons necessary to give clear title to said subdivision. At the time of recording the approved map, there shall be filed with the County Recorder a guarantee executed by a duly authorized title company for the benefit and protection of the City showing that persons (naming them) consenting to the preparation and recordation of said map and offering for dedication the streets, alleys and other public places shown thereon are all the persons necessary to pass clear title to said subdivision and to the dedication shown thereon.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 11 day of April, 1989, by Councilmember McGrath, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
CAROL G. WHITESIDE, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2662-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 18th day of April, 1989, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED Carol Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: May 18, 1989

ORDINANCE NO. 2663 -C.S.

AN ORDINANCE AMENDING SECTION 11-1.02 OF CHAPTER 1 OF TITLE XI OF THE MODESTO MUNICIPAL CODE RELATING TO ADMINISTRATION OF FUNDS.

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

SECTION 1. AMENDMENT OF CODE. Section 11-1.02 of Chapter 1 of Title XI of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 11-1.02. ADMINISTRATION OF FUNDS.

The Finance Director or his designee shall be in charge of the collection of all moneys that may become due the City for water services and shall pay the same into the City Treasury and account for the same in the same manner as he pays into the Treasury and accounts for other funds received by him in his official capacity.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 18 day of April, 1989, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Carol G. Whiteside*
CAROL G. WHITESIDE, Mayor

ATTEST:

By *Judy C. Hall*
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

Ord. No. 2663-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 25th day of April, 19 89, Councilmember Irizarry 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED 
MAYOR CAROL G. WHITESIDE

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 25, 1989

Book

ORDINANCE NO. 2664 -C.S.

AN ORDINANCE AMENDING SECTION MAP 33-3-9 OF THE ZONING MAP TO REPEAL P-D(412) AND REZONE TO LIGHT INDUSTRIAL ZONE, M-1, PROPERTY LOCATED AT THE SOUTH CORNER OF NINTH STREET AND B STREET. (KEN MUSTOE)

WHEREAS, the City Council, by Ordinance No. 2475-C.S., which became effective on April 9, 1987, amended Section Map 33-3-9 of the Zoning Map to rezone to Planned Development Zone, P-D(412), for a recycling center, property located at the south corner of Ninth Street and B Street, and

WHEREAS, the City Council, by Resolution No. 87-136, adopted on February 24, 1987, approved the development plan for P-D(412) and establishes the development schedule which calls for the entire construction program including public improvements to be completed by January 20, 1988, and

WHEREAS, construction on P-D(412) has not proceeded in accordance with the development schedule, and

WHEREAS, by Resolution No. 89-12, adopted on February 6, 1989, the Planning Commission initiated proceedings to repeal P-D(412) and rezone the property to Light Industrial Zone, M-1, and

WHEREAS, a public hearing was held by the Planning Commission at its regular meeting on March 6, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, at which hearing evidence both oral and documentary was received and considered, and thereafter the Planning Commission, by Resolution 89-30 found and determined that the repeal of Planned Development Zone, P-D(412), and rezoning the property back to Light Industrial Zone, M-1, is required by public necessity, convenience and general welfare for the following reasons:

1. P-D(412) did not develop within the time limits of the development schedule.
2. Section 10-2.1720(c) of the Municipal Code calls for repeal or modification of expired P-D zones.
3. The applicant/operator of the recycling business no longer has an interest in tenancy and the owner of the property is in concurrence with the rezoning.

and

WHEREAS, by Resolution No. 89-30, adopted March 6, 1989, the Planning Commission recommended to the Council that Section Map 33-3-9 of the Zoning Map be amended to repeal P-D(412) and rezone the property hereinafter described to Light Industrial Zone, M-1, and

WHEREAS, said matter was set for public hearing before the Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, in the City of Modesto, at 4:00 p.m. on April 18, 1989, at which time evidence, both oral and documentary, was taken and introduced,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended rezoning of Planned Development Zone, P-D(412), to Light Industrial Zone, M-1, is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 89-30, and quoted above.

SECTION 2. ZONING CHANGE. Section 33-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(412), to Light Industrial Zone, M-1:

P-D to M-1

Block U City of Modesto

Including also the northern 40.00 feet of Morton Boulevard, the southeastern 40.00 feet of "B" Street and the southwestern 40.00 feet of 9th Street and all immediately adjacent to the above described property.

and

SECTION 3. ZONING MAP. Section 33-3-9 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25 day of April, 1989, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whitesdie
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By Althea Dornier
Department of Planning and Community
Development

Ord. No. 2664-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 2nd day of May, 19 89, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED


MAYOR CAROL G. WHITESIDE

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 1, 1989

ORDINANCE NO. 2665 -C.S.

AN ORDINANCE AMENDING SECTION MAP 13-3-8 OF THE ZONING MAP TO REPEAL P-D(395) AND REZONE TO MEDIUM DENSITY RESIDENTIAL ZONE, R-2, PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CONANT AVENUE AND WEST RUMBLE ROAD. (ADDITION TO CHRYSLER SCHOOL)

WHEREAS, the City Council, by Ordinance No. 2411-C.S., which became effective on April 17, 1986, amended Section Map 13-3-8 of the Zoning Map to rezone to Planned Development Zone, P-D(395), for an elderly housing complex, property located at the southeast corner of Conant Avenue and West Rumble Road, and

WHEREAS, the City Council, by Resolution No. 86-238, adopted on March 4, 1986, approved the development plan for P-D(395) and established the development schedule which specified that the entire construction program be accomplished in one phase, with construction to begin on or before February 3, 1988, and completion to be not later than February 3, 1989, and

WHEREAS, construction on P-D(395) has not proceeded in accordance with the development schedule, and

WHEREAS, by Resolution No. 89-11, adopted on February 6, 1989, the Planning Commission initiated proceedings to repeal P-D(395) and rezone the property to Medium Density Residential Zone, R-2, and

WHEREAS, a public hearing was held by the Planning Commission at its regular meeting on March 6, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, at which hearing evidence both oral and documentary was received and considered, and thereafter the Planning Commission, by Resolution 89-31 found and determined that the repeal of Planned Development Zone, P-D(395), and rezoning the property back to Medium Density Residential Zone,

R-2, is required by public necessity, convenience and general welfare for the following reasons:

1. P-D(395) did not develop within the time limits of the development schedule.
2. Section 10-2.1710(c) of the Municipal Code calls for repeal or modification of expired P-D zones.
3. The property is in the process of being acquired by the Sylvan Union School District for addition to Chrysler School.

and

WHEREAS, by Resolution No. 89-31, adopted March 6, 1989, the Planning Commission recommended to the Council that Section Map 13-3-8 of the Zoning Map be amended to repeal P-D(395) and rezone the property hereinafter described to Medium Density Residential Zone, R-2, and

WHEREAS, said matter was set for public hearing before the Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, in the City of Modesto, at 4:00 p.m. on April 18, 1989, at which time evidence, both oral and documentary, was taken and introduced,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended rezoning of Planned Development Zone, P-D(395), to Medium Density Residential Zone, R-2, is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 89-31, and quoted above.

SECTION 2. ZONING CHANGE. Section 13-3-8 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(395), to Medium Density Residential Zone, R-2:

P-D to R-2

The west 528 feet of the most northerly 475 feet of the following described parcel. Parcel A of the Parcel Map filed June 2, 1966, in Volume 1 of Parcel Maps, at page 153 and being a portion of the Northeast Quarter of Section 13, Township 3 South, Range 8 East, Mount Diablo Base and Meridian.

Including also the easterly 20 feet of Conant Avenue and the southerly 20 feet of Rumble Road immediately adjacent to the said west 528 feet of the most northerly 475 feet of said Parcel A.

and

SECTION 3. ZONING MAP. Section 13-3-8 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25 day of April, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Carol G. Whiteside*
CAROL G. WHITESIDE, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By *William F. ...*
Department of Planning and Community
Development

Ord. No. 2665-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 2nd day of May, 1989, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED Carol Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 1, 1989

ORDINANCE NO. 2666 -C.S.

AN ORDINANCE AMENDING SECTION MAP 12-3-8 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(464), PROPERTY LOCATED ON THE SOUTH SIDE OF STANDIFORD AVENUE AND WEST OF PRESCOTT ROAD (LYON/REDEV.).

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

SECTION 1. 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 Planned Development Zone, P-D(464):

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

Parcel "B", as shown on the official map recorded in Book 36 of Maps, at Page 54, Stanislaus County Records.

Including also the northern 55.00 feet of the 110.00-foot wide Hetch Hetchy right-of-way and the southern 50.00 feet of 100.00-foot wide Standiford Avenue and all immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(464) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

Two- and three-story Residential condominium units.

SECTION 3. ZONING MAP. Section Map 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 2 day of May, 1989, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By George Osun
Department of Planning and
Community Development

Ord. No. 2666-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 9th day of May, 19 89, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED Carol G. Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 8, 1989

Clerk

ORDINANCE NO. 2667 -C.S.

AN ORDINANCE AMENDING SECTION MAP 27-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM DENSITY RESIDENTIAL ZONE, R-2, TO PLANNED DEVELOPMENT ZONE, P-D(300), AS AN ADDITION TO P-D(300), PROPERTY LOCATED ON THE WEST SIDE OF SUNNYSIDE AVENUE NORTH OF SCENIC DRIVE (SCENIC NURSERY).

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

SECTION 1. ZONING CHANGE. Section 27-3-9 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(300), as an addition to P-D(300):

All that certain real property situate in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 24 of Sunnyside Acres, according to the Official Map thereof filed in the Office of the Recorder of Stanislaus County, California, on May 24, 1911, in Volume 5 of Maps, at page 45.

SECTION 2. USES. The following uses shall be permitted in said P-D(300) Zone, as an addition to P-D(300), if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

Nursery and accessory uses and buildings.

SECTION 3. ZONING MAP. Section Map 27-3-9 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 16 day of May, 1989, by Councilmember McGrath, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

APPROVED: Carol Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By Jeff Coyle
Department of Planning and
Community Development

Ord. No. 2667-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 23rd day of May, 1989, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED


MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 22, 1989

2668

ORDINANCE NO. 2668-C.S.

AN ORDINANCE AMENDING SECTION MAP 14-3-9 AND 23-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (PLANNING COMMISSION INITIATED)

WHEREAS, on February 21, 1989, by Resolution 89-21 the Planning Commission initiated proceedings to amend Sections 14-3-9 and 23-3-9 of the Zoning Map to reclassify from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1, property comprised of 36 lots located on the east side of Walnut Crest Way south of Merle Avenue and north of Briggsmore Avenue hereinafter described, and

WHEREAS, a public hearing was held by the Planning Commission on March 20, 1989, but subsequent to the hearing, the City Attorney's office advised that due to improper public notice the Commission's action should be deemed invalid and the matter should be reheard after proper public notice, and

WHEREAS, upon proper public notice, a public hearing on the matter was again held by the Planning Commission on April 17, 1989, and

WHEREAS, after public hearing held on April 17, 1989, it was found and determined by the Planning Commission that rezoning of the property as initiated is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 89-54, adopted on April 17, 1989, the Planning Commission recommended to the Council that the Planning Commission initiated proposal to amend Sections 14-3-9 and 23-3-9 of the Zoning Map to reclassify the hereinafter described property from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1, 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 16, 1989, 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. Rezoning from R-2 to R-1 will reflect the new single-family dwellings that have been built on nearly all of the 36 lots.
2. R-1 zoning will prevent any future incompatible mixture of single-family dwellings and converted multiplexes.

SECTION 2. ZONING CHANGE. Sections 14-3-9 and 23-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1:

All that certain property situate in a portion of the Southeast Quarter of Section 14 and the Northeast Quarter of Section 23, 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 northeast corner of Lot 7 of Block 11111 as shown on the subdivision map of Walnut Woods East according to the official map thereof, filed in the office of the Recorder of Stanislaus County, California, on March 19, 1987, in Volume 31 of Maps, Page 69, said corner being on the east line of said subdivision; thence along the east line of said subdivision south $0^{\circ}17'23''$ west, 133.54 feet; thence continuing along said east line along a curve concave to the east with a radius of 5350.00 feet and a curve length of 431.68 feet; thence continuing along said east line south $4^{\circ}20'00''$ east, 216.67 feet; thence continuing along said east line on a curve concave to the west having a radius of 4650.00 feet and a curve length of 338.78 feet to the southeast corner of aforementioned subdivision and the north line of 140 foot wide M.I.D. Lateral No. 3; thence along the north line of said Lateral No. 3, North $89^{\circ}02'56''$ West, 334.17 feet to the southwest corner of Lot 24 in Block 11109 of said Walnut Woods East Subdivision; thence along the west line of said Lot 24 and its northerly prolongation

north 0°57'04" east, 123.50 feet to its intersection with the centerline of a 50.00 foot wide street known as Walnut Terrace; thence along said centerline, south 89°02'56" east, 15.00± feet to the intersection with the centerline of a 50.00 foot wide street known as Walnut Crest Way; thence along the centerline of Walnut Crest Way, north 0°57'04" east, 89.83 feet; thence continuing along said centerline on a curve concave to the west with a radius of 350.00 feet and a curve length of 88.98 feet; thence along said centerline on a curve concave to the east with a radius of 350.00 feet and a curve length of 85.04 feet; thence continuing along said centerline north 0°18'19" east, 172.51 feet; thence continuing along said centerline on a curve concave to the east having a radius of 500.00 feet and a curve length of 70.77 feet; thence continuing along said centerline on a curve concave to the west having a radius of 500.00 feet and a curve length of 70.77 feet; thence continuing along said centerline north 0°18'19" east 420.06 feet to the westerly prolongation of the north line of Lot 5 in Block 11111 of said Walnut Woods East; thence along said prolongation and north line of Lot 5, south 88°49'44" east, 278.22 feet to the point of beginning of this description.

Including also all of M.I.D. Lateral No. 3 and the northerly one-half of Briggsmore Avenue, all immediately adjacent to the above described property.

SECTION 3. ZONING MAP. Sections 14-3-9 and 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 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 16 day of May, 1989, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Patterson, Sutton, Mayor whiteside


NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

APPROVED:


CAROL G. WHITESIDE, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and Community
Development

Ord. No. 2668-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 23rd day of May, 1989, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED



MAYOR CAROL G. WHITESIDE

ATTEST:



NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 22, 1989

Corrected 8/9/89

ORDINANCE NO. 2669 -C.S.

AN ORDINANCE AMENDING SECTION MAP 22-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(454), PROPERTY LOCATED ON THE SOUTHWEST CORNER OF BRIGGSMORE AVENUE AND OAKDALE ROAD (WARNER SOELLING).

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 Low Density Residential Zone, R-1, to Planned Development Zone, P-D(454):

All that portion of Lot 1 of the Broughton Colony Tract in Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian according to the map thereof, recorded in Volume 1 of Maps at Page 78, Stanislaus County Records, being more particularly described as follows:

Commencing at the northeast corner of said Lot 1, also being the northeast corner of said Section 22 and also being on the centerline of Oakdale Road, thence South 0°24'43" East, 61.01 feet along the centerline of said Oakdale Road to the TRUE POINT OF BEGINNING; thence continuing along said centerline South 0°24'43" East, 373.13 feet to a point of intersection with the north line of Eastridge Plaza extended easterly, Eastridge Plaza being a subdivision as shown on the map filed for record in Volume 27 of Maps at Page 94, Stanislaus County Records; thence along said north line extended and said north line of Eastridge Plaza North 89°47'28" West, 426.18 feet to a point of intersection with said north line and the centerline of Santa Paula Drive as shown on said map of Eastridge Plaza; thence North 0°12'32" East, 135.0 feet along the centerline of said Santa Paula Drive extended northerly; thence North 89°47'28" West, 305.71 feet to a point of tangency with a 250.0 foot radius curve concave northeast, (central angle equals 17°11'38" and chord bears North 81°11'39" West, 74.74 feet); thence northwest along the arc of said curve 75.02 feet; thence North 0°17'17" East, 193.98 feet to a point on the centerline of the 60 foot eastbound lane of Briggsmore Avenue said point being on a 1200 foot radius curve concave northwest (radius point bears North 3°53'37" West, central angle equals 6°37'31" and chord bears North 82°47'38" East, 138.68 feet); thence continuing along the centerline of said eastbound lane, northeast along the arc of said 1200 foot radius curve 138.76 feet to a point of reverse curvature with a 1200 foot radius curve concave southeast (central angle equals 4°32'44" and chord bears North 81°45'14" East, 95.18 feet); thence northeast along said centerline South 89°54'08" East, 569.88 feet to the Point of Beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(454) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. P-O uses
2. Bank, savings and loan, credit union, or similar financial institution
3. Restaurant as permitted in the C-1 zone

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of June, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: *Carol G. Whiteside*
CAROL G. WHITESIDE, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By *William Diabola*
Department of Planning and
Community Development

Ord. No. 2669-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 13th day of June, 19 89, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

APPROVED Carol G. Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 13, 1989

Clark (9)

ORDINANCE NO. 2670 -C.S.

AN ORDINANCE AMENDING SECTION MAP 8-4-9 OF THE ZONING MAP TO REZONE FROM A PORTION OF PLANNED DEVELOPMENT ZONE, P-D(247), TO LOW DENSITY RESIDENTIAL ZONE, R-1, PROPERTY LOCATED ON THE WEST SIDE OF CROWS LANDING ROAD AND ON THE NORTH SIDE OF WHITMORE AVENUE. (PHILLIP D. OVERHOLTZER, INC.)

WHEREAS, the City Council, by Ordinance No. 1892-C.S., effective on December 20, 1979, rezoned to Planned Development Zone, P-D(247), property located on the northwest corner of Crows Landing Road and Whitmore Avenue, to allow an agriculturally related business-industrial park, and

WHEREAS, the City Council, by Resolution No. 79-1151, adopted on November 6, 1979, approved the development plan and development schedule for P-D(247), and

WHEREAS, a verified application for an amendment to Section 8-4-9 of the Zoning Map was filed by Phillip D. Overholtzer, Inc. on January 13, 1989, to rezone from a portion of Planned Development Zone, P-D(247), to Low Density Residential Zone, R-1, property located on the west side of Crows Landing Road and on the north side of Whitmore Avenue, the hereinafter described property, and

WHEREAS, a public hearing was held by the Planning Commission on May 8, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, at said hearing, after hearing evidence both oral and documentary, the Planning Commission, by its Resolution No. 89-65, found and determined that the rezoning of a portion of P-D(247) to R-1, property located on the west side of Crows Landing Road and on the north side of Whitmore

Avenue, is required by public necessity, convenience and general welfare, for the following reasons:

1. The property proposed for R-1 zoning and a resultant single family residential subdivision is in a location that is indicated for residential development on the General Plan Map.
2. There are conditions built into the remaining P-D(247) to assure agricultural orientation by specific Planning Commission plot plan review prior to construction and also to assure compatibility with the adjoining residential development.
3. There are traffic mitigation measures imposed which will help to offset the increased traffic generation and turning movements that will occur around this major/major street intersection.

and

WHEREAS, said matter was set for public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on June 6, 1989, 1989,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the proposed amendment to Section 8-4-9 of the Zoning Map to rezone from a portion of Planned Development Zone, P-D(247), to Low Density Residential Zone, R-1, property located on the west side of Crows Landing Road and on the north side of Whitmore Avenue, in the City of Modesto, should be approved,

SECTION 2. ZONING CHANGE. Section 8-4-9 of the Zoning Map is hereby amended to reclassify the following described property from a portion of Planned Development Zone, P-D(247), to Low Density Residential Zone, R-1:

P-D(247) to R-1

ALL that certain real property situate in a portion of the southeast quarter of Section 8, Township 4 South, Range 9 East, Mount Diablo Base and Meridian and lying in the City of Modesto, State of California, more particularly described as follows:

COMMENCING at the southeast corner of Section 8, as shown on the Stanislaus County Survey No. 1671; thence north 89°13'10" west along the south line of said Section 8 and the centerline of Whitmore Avenue, 660.44 feet to the Point of Beginning of this Description; thence continuing along said centerline, north 89°13'10" west, 1049.98 feet; thence north 0°23'51" east, 919.77 feet; thence South 89°03'09" east, 1050.00 feet; thence south 0°23'51" west, 916.71 feet to a point on the said centerline of Whitmore Avenue and the Point of Beginning of this Description.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of June, 1989, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

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

Ord. No. 2670-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 13th day of June, 19 89, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

APPROVED Carol G. Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 13, 1989

ORDINANCE NO. 2671-C.S.

AN ORDINANCE AMENDING SECTION MAP 25-3-8 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(437), AS AN ADDITION TO P-D(437), PROPERTY LOCATED ON THE NORTH SIDE OF KANSAS AVENUE WEST OF CARPENTER ROAD (GRANT CONSTRUCTION CO. INC.).

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

SECTION 1. ZONING CHANGE. Section 25-3-8 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(437), as an addition to P-D(437):

Parcel 1 as shown on that certain parcel map filed June 27, 1974, in Volume 19 of Parcel Maps, Page 50, Stanislaus County Records. Including also the north 30 feet of Kansas Avenue adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(437) Zone, as an addition to P-D(437), if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. Neighborhood shopping center allowing all C-1 Zone uses.
2. Off-street parking as shown on the approved plan.

SECTION 3. ZONING MAP. Section Map 25-3-8 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of June, 1989, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: Carol Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

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

Ord. No. 2671-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 13th day of June, 19 89, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

APPROVED *Carol G. Whiteside*
MAYOR CAROL G. WHITESIDE

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 13, 1989

Clock

ORDINANCE NO. 2672 -C.S.

AN ORDINANCE AMENDING SECTION 5-6.16 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO THE REQUIREMENT FOR CONNECTION TO THE CITY SEWAGE SYSTEM.

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

SECTION 1. AMENDMENT OF CODE. Section 5-6.16 of Chapter 6 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-6.16. CONNECTION TO SEWAGE SYSTEM REQUIRED.

Every building or structure in the Sewer District in which plumbing fixtures are installed shall be connected to the sewage system where a sewer lateral is available within the time period provided for in Section 5-6.17. This requirement shall apply to any building or structure existing on July 1, 1967, as well as any building or structure thereafter constructed.

A sewer lateral is available for the purpose of this section when such a sewer lateral is located within one hundred feet (100') from the property line of any lot which can be served by such sewer lateral. A sewer lateral is available to new development when such a sewer lateral is located within one hundred feet (100') of the property line of any lot connecting to the sewage system.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 1989, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irrizarry, Lang, Muratore, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Ord. No. 2673-C.S.


FINAL ADOPTION CLAUSE

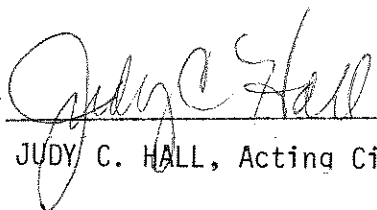
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 20th day of June, 1989, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

APPROVED 
MAYOR CAROL G. WHITESIDE

ATTEST: 
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: July 20, 1989

Clerk

ORDINANCE NO. 2673 -C.S.

AN ORDINANCE AMENDING SECTIONS 5-6.06 AND 5-6.10 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO SUBTRUNK SEWER EXTENSION CHARGES.

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

SECTION 1. AMENDMENT OF CODE. Sections 5-6.06 and 5-6.10 of Title V of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 5-6.06. SUBTRUNK SEWER EXTENSION CHARGES.

- (a) Residential and Commercial Areas. Each person owning property within the Sewer District shall pay a subtrunk sewer extension charge to the City at the time of connecting to the sewage system in accordance with the following rates:
- (1) For those territories which are annexed to and made a part of the City of Modesto pursuant to Modesto City Council Resolutions No. 80-191 (South Airport Annexation to the City of Modesto), No. 80-194 (North Airport Annexation to the City of Modesto), both of which were adopted on the fourth day of March, 1980, a subtrunk sewer extension charge of one hundred fifty dollars (\$150.00) per gross acre shall be paid to the City for each residential and/or commercial area served, unless said area has previously participated in the cost of construction of a subtrunk sewer.
 - (2) In all other residential and commercial areas, a subtrunk sewer extension charge of five hundred dollars (\$500.00) per gross acre shall be paid to the City for each residential and/or commercial area served unless said area has previously participated in the cost of construction of a subtrunk sewer.
- (b) Industrial Areas. For industrial areas, the extension of subtrunk sewers will be on an individual basis for areas served since size of these subtrunk sewers is dependent upon specific need.

The acreage used to determine the sewer subtrunk fee shall be the total area developed or being developed which is owned, leased or controlled by the user.

In those instances where the total acreage owned, leased or controlled by the user is greater than that developed, the Director is authorized to determine the acreage to be used in determining the

subtrunk extension charge. The remaining acreage shall pay a subtrunk extension charge at such time as it is developed.

Notwithstanding anything to the contrary contained in this chapter, the Council shall have the power to determine, by agreement, the total acreage developed or being developed which is owned, leased or controlled by a user meeting the criteria set forth below:

- (1) The user will establish a new industry or expand an existing industry within the Modesto Municipal Sewer District that results in more than 225 (two hundred twenty-five) new, permanent, on-site, full-time employees; and
- (2) The user will construct a new industrial building or building addition with total floor space in excess of one hundred seventy-five thousand (175,000) square feet with total project costs in excess of twenty million dollars (\$20,000,000).

If the property is developed beyond that development approved by the Council, the developer shall pay a sewer subtrunk charge on the additional acreage developed. If the user fails to meet either of the criteria after development, the agreement shall be void and a sewer subtrunk charge shall be paid based on the total acreage developed or being developed had the above criteria not been applied.

A fee shall be paid to the City for the purpose of covering the cost of inspection of the premises to make determinations on the acreage to be covered by the subtrunk extension charge. Said fee shall be in accordance with a scheduled approved by the Council from time to time by resolution.

SEC. 5-6.10. PARTICIPATION IN COST OF EXISTING SEWER.

No property shall be permitted to connect to the City sewage system without participating in the cost of the sewer laterals which serve the area where the property is located.

Any property connecting to the City sewage system that has not already participated in the cost of a sewer lateral and which is to be served by an existing sewer shall either make reimbursement, through the City, of the property's proportionate share of private funds expended on the existing sewer line in accordance with any agreements on file with the Director or shall pay to the City a fee of an amount per square foot of property area, as established by the Council from time to time by resolution, whichever is the greater sum.

The acreage used to determine the lateral fee shall be the total area developed or being developed which is owned, leased or controlled by the user.

In those instances where the total acreage owned, leased or controlled by the user is greater than that developed, the Director is authorized to determine the acreage to be used in determining the lateral fee. The remaining acreage shall pay a lateral fee at such time as it is developed.

Notwithstanding anything to the contrary contained in this chapter, the Council shall have the power to determine, by agreement, the total acreage developed or being developed which is owned, leased or controlled by a user meeting the criteria set forth below:

- (1) The user will establish a new industry or expand an existing industry within the Modesto Municipal Sewer District that results in more than 225 (two hundred twenty-five) new, permanent, on-site, full-time employees; and
- (2) The user will construct a new industrial building or building addition with total floor space in excess of one hundred seventy-five thousand (175,000) square feet with total project costs in excess of twenty million dollars (\$20,000,000).

If the property is developed beyond that development approved by the Council the developer shall pay a sewer lateral fee on the additional acreage developed. If the user fails to meet either of the criteria after development, the agreement shall be void and a sewer lateral fee shall be paid based on the total acreage developed or being developed had the above criteria not been applied.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 1989, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

APPROVED: 

CAROL G. WHITESIDE, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:


By 
STAN T. YAMAMOTO, City Attorney

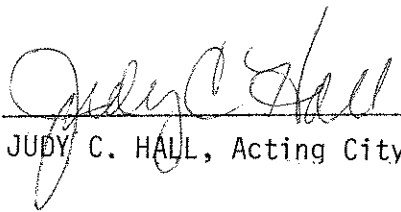
Ord. No. 2672-C.S.

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 20th day of June, 19 89, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Sutton

APPROVED 
MAYOR CAROL G. WHITESIDE

ATTEST: 
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: July 20, 1989

ORDINANCE NO. 2674 -C.S.

AN ORDINANCE AMENDING SECTION MAP 31-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(453), AS PHASE II, PROPERTY LOCATED ON THE NORTH SIDE OF HOUSER LANE AND EAST OF WILMA DRIVE (P & R ENTERPRISES).

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

SECTION 1. ZONING CHANGE. Section 31-3-9 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(453), as Phase II to P-D(453):

All that certain real property situate in a portion of the Southwest Quarter of Section 31, 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 Southeast corner of Carpenter Villas No. 2 Subdivision, according to the official maps thereof, filed in the office of the Recorder of Stanislaus County, California, on February 3, 1988, in Volume 32 of Maps, Page 63, said corner also lying on the west line of the Hacienda Villas Subdivision according to the official map thereof, filed in the office of the Recorder of Stanislaus County, California on February 27, 1980, in Volume 29 of Maps, Page 10; thence along the South line of said Carpenter Villas No. 2, South $89^{\circ} 48' 00''$ West 416.73 feet to the Northeast corner of Parcel 2 as shown on that certain Parcel Map filed in the office of the Recorder of Stanislaus County, California on March 16, 1973, in Volume 16 Parcel Maps, at Page 54 and the True Point of Beginning of this description; thence Southerly 84.00 feet more or less; thence Easterly 113.00 feet; thence Southerly 220.00 feet to the center line of original 40.00-foot-wide Houser Lane; thence along said centerline Westerly 190.29 feet; thence Northerly 170.00 feet; thence Westerly 80.00 feet to the West line of said Parcel 2; thence along said West line Northerly 137.00 feet more or less to the South line of Carpenter Villas Subdivision according to the official map thereof, filed in the office of the Recorder of Stanislaus County, California, on October 14, 1987, in Volume 32 of Maps, Page 31; thence along said South line North $89^{\circ} 48' 00''$ East 157.29 feet to the Point of Beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(453), as Phase II of P-D(453) Zone if the plan for construction conforms

Check 7R

ORDINANCE NO. 2674 -C.S.

AN ORDINANCE AMENDING SECTION MAP 31-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(453), AS PHASE II, PROPERTY LOCATED ON THE NORTH SIDE OF HOUSER LANE AND EAST OF WILMA DRIVE (P & R ENTERPRISES).

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

SECTION 1. ZONING CHANGE. Section 31-3-9 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(453), as Phase II to P-D(453):

All that certain real property situate in a portion of the Southwest Quarter of Section 31, 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 Southeast corner of Carpenter Villas No. 2 Subdivision, according to the official maps thereof, filed in the office of the Recorder of Stanislaus County, California, on February 3, 1988, in Volume 32 of Maps, Page 63, said corner also lying on the west line of the Hacienda Villas Subdivision according to the official map thereof, filed in the office of the Recorder of Stanislaus County, California on February 27, 1980, in Volume 29 of Maps, Page 10; thence along the South line of said Carpenter Villas No. 2, South 89° 48' 00" West 416.73 feet to the Northeast corner of Parcel 2 as shown on that certain Parcel Map filed in the office of the Recorder of Stanislaus County, California on March 16, 1973, in Volume 16 Parcel Maps, at Page 54 and the True Point of Beginning of this description; thence Southerly 84.00 feet more or less; thence Easterly 113.00 feet; thence Southerly 220.00 feet to the center line of original 40.00-foot-wide Houser Lane; thence along said centerline Westerly 190.29 feet; thence Northerly 157.00 feet; thence Westerly 80.00 feet to the West line of said Parcel 2; thence along said West line Northerly 149.90 feet more or less to the South line of Carpenter Villas Subdivision according to the official map thereof, filed in the office of the Recorder of Stanislaus County, California, on October 14, 1987, in Volume 32 of Maps, Page 31; thence along said South line North 89° 48' 00" East 157.29 feet to the Point of Beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(453), as Phase II of P-D(453) Zone if the plan for construction conforms

in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. Elderly housing apartment complex.
2. Off-street parking and open space as shown on the approved development plans.

SECTION 3. ZONING MAP. Section Map 31-3-9 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20 day of June, 1989, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Judy C. Hall
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By William D. Smith
Department of Planning and
Community Development

Ord. No. 2674-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 27th day of June, 19 89, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

APPROVED *Carol Whiteside*
MAYOR CAROL G. WHITESIDE

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 27, 1989

ORDINANCE NO. 2675-C.S.

AN ORDINANCE AMENDING SECTION MAP 8-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (R.M.S.C., INC.)

WHEREAS, a verified application for an amendment to Section 8-4-9 of the Zoning Map was filed by R.M.S.C., Inc. on February 27, 1989, to reclassify from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1, property located on the north side of Hatch Road between Ustick Road and Boise Avenue hereinafter described, and

WHEREAS, after public hearing held on April 17, 1989, 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. 89-52, adopted on April 17, 1989, the Planning Commission recommended to the Council that the application of R.M.S.C., Inc. to amend Section 8-4-9 of the Zoning Map to reclassify the hereinafter described property from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1, 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 16, 1989, and continued to June 27, 1989, 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 proposed R-1 zoning will allow single-family residential development backed up to an expressway, a contemporary development standard employed throughout the City.
2. Low density residential development allowed under proposed R-1 zoning conforms to the Modesto Urban Area General Plan.

SECTION 2. ZONING CHANGE. Section 8-4-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1:

BEGINNING at the Southwest corner of said Lot 17 on the original Northerly line of a 40 foot County Road known as Hatch Road, as shown on said Rio Grande Colony map; thence North 71°14'30" East along said original Northerly line of Hatch Road a distance of 1,459.37 feet to the Southeast Corner of said Lot 12; thence North 0°22'10" East along the East line of said Lot 12 a distance of 560.52 feet; thence South 78°25'05" West 113.59 feet; thence South 63°18'26" West 141.24 feet; thence South 58°29'47" West 99.72 feet; thence South 55°51'25" West 218.36 feet; thence South 54°13'46" West 133.19 feet; thence South 59°19'10" West 153.94 feet; thence South 63°25'41" West 127.67 feet; thence South 59°23'05" West 288.73 feet; thence South 57°58'12" West 198.75 feet; thence South 69°23'54" West 117.31 feet; to the West line of said Lot 17; thence South 0°11' West along West line of Lot 17 a distance of 261.65 feet to the point of beginning.

Including also all of the North one-half of original 40.00 foot wide Hatch Road immediately adjacent to above mentioned Lots 12 through 17.

SECTION 3. ZONING MAP. Section 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3)

prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 27 day of June, 1989, by Councilmember McGrath, 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: Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: Irizarry, Sutton

APPROVED: _____
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By Greg Osun
Department of Planning and Community
Development

Ord. No. 2675-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 July, 19 89, Councilmember McGrath 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: Irizarry, Lang, McGrath, Muratore,
Mayor Whiteside

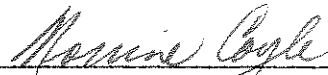
NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton

APPROVED


MAYOR CAROL G. WHITESIDE

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 4, 1989

15

ORDINANCE NO. 2676 -C.S.

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO
FOR THE FISCAL YEAR ENDING JUNE 30, 1990, AND PROVIDING
FOR CERTAIN TRANSFERS OF FUNDS.

WHEREAS, pursuant to the Charter of the City of Modesto, a proposed budget for the 1989-1990 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 Proposed Budget 1989-90", presented by the City Manager to the City Council at its meeting held June 13, 1989, 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, 1990, and the several amounts stated therein as proposed expenditures are hereby appropriated for the various objects therein described.

SECTION 2. That funds of the City of Modesto encumbered on June 30, 1989, are hereby appropriated for the purposes for which they are encumbered and shall be a part of the budget for the fiscal year 1989-1990 adopted hereby.

SECTION 3. That Capital Projects carried over from fiscal year 1988-1989 are hereby re-appropriated as a part of the budget for the fiscal year 1989-1990 adopted hereby. The amount of said appropriations will equal the Reserve for Appropriated Carryover Projects established in the General Ledger Accounts of the City of Modesto for all funds as of June 30, 1989.

SECTION 4. 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 Reserved Fund Balances for specific purposes.

SECTION 5. That the City Manager is authorized to transfer funds within departmental budgets between the following classifications, to wit: Employee Services, Professional and Contractual Services, Materials and Supplies, other operating expenses and Capital Appropriations; and to transfer appropriations for capital items budgeted within the same department within the same capital fund and that the City Manager may delegate this authority to the Deputy City Manager.

SECTION 6. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect upon adoption.

SECTION 7. Copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of

Modesto, setting forth the title of this ordinance, the date of its adoption and the places where this ordinance is posted.

The foregoing ordinance was introduced and adopted at a regular meeting of the Council of the City of Modesto held on the ~~27th~~ day of June, 1989, by Councilmember Lang, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and ordered printed and published by the following vote:

AYES:	Councilmembers:	Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Sutton

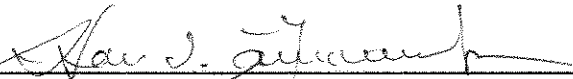
APPROVED: 
CAROL G. WHITESIDE, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

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ORDINANCE NO. 2677 -C.S.

AN ORDINANCE AMENDING SECTION MAP 27-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (DAN MONTEROSSO)

WHEREAS, a verified application for an amendment to Section 27-3-9 of the Zoning Map was filed by Dan Monterosso on May 11, 1989, to reclassify from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1, the hereinafter described property, and

WHEREAS, after public hearing held on June 5, 1989, 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. 89-77, adopted on June 5, 1989, the Planning Commission recommended to the Council that the application of Dan Monterosso to amend Section 27-3-9 of the Zoning Map to reclassify the hereinafter described property from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1, 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 5, 1989, 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. Low density residential development allowed under proposal R-1 zoning conforms to the Modesto Urban Area General Plan.

2. The proposed R-1 zoning will not adversely affect surrounding properties.

SECTION 2. ZONING CHANGE. Section 27-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1:

All that certain real property situate in a portion of the northwest quarter of Section 27, 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 Northeast corner of Lot 18 of Sunnyside Acres according to the official map thereof, recorded in Volume 5 of Maps, Page 45 of Stanislaus County Records on May 24, 1911. Thence North 88°40' West along the North line of Lot 18 249.62 feet± to a point, thence South 0°10' East 123 feet± to the centerline of a proposed street, thence North 88°40' East 30 feet to a point, thence South 0°10' East 157 feet± to a point on the South line of Lot 23, thence North 69°14' East along the south line of lot 23, 210.00 feet± to the Southwest corner of Lot 23, thence North 0°10' West along the East line of Lot 23 and 18 223.56 feet± to the point of beginning.

SECTION 3. ZONING MAP. Section 27-3-9 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5 day of July, 1989, by Councilmember Irizarry, who moved its introduction and passage to print, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton


APPROVED: 
CAROL G. WHITESIDE, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and Community
Development

Ord. No. 2677-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 18th day of July, 1989, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

APPROVED

Carol Whiteside

MAYOR CAROL G. WHITESIDE

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 17, 1989

ORDINANCE NO. 2678 -C.S.

AN ORDINANCE ADDING CHAPTER 12 ENTITLED "BLIGHT ORDINANCE" TO TITLE IV OF THE MODESTO MUNICIPAL CODE.

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

SECTION 1. AMENDMENT OF CODE. Chapter 12 entitled "Blight Ordinance" is hereby added to Title IV of the Modesto Municipal Code to read as follows:

CHAPTER 12. BLIGHT ORDINANCE.

ARTICLE 1. RESERVED.

ARTICLE 2. GRAFFITI.

SEC. 4-12.200. APPROPRIATION OF FUNDS.

The City may appropriate money from the General Fund to remove or mask graffiti or other inscribed material from privately owned permanent structures located within the City including but not limited to buildings, walls, and fences.

SEC. 4-12.201. AUTHORIZATION TO REMOVE ONLY GRAFFITI.

The provisions of this Article authorize only the removal or masking of graffiti or other inscribed material itself as determined appropriate by the City and not the repair or masking of a more extensive area.

SEC. 4-12.202. FINDINGS AND CONSENT.

Such removal or masking may be performed using General Fund monies only after a finding by the City Manager or designee that the graffiti or other inscribed material is obnoxious, plainly visible from a public right of way, and only after securing the written consent of the property owner.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3)

prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5 day of July, 1989, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore,
Mayor whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton

APPROVED:

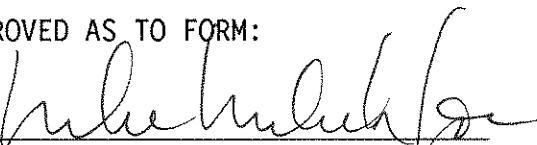

CAROL G. WHITESIDE, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2678-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 18th day of July, 1989, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Sutton,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

APPROVED

Carol Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 17, 1989

ORDINANCE NO. 2679-C.S.

AN ORDINANCE AMENDING SECTION 4-7.107 OF ARTICLE 1 OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO THE THROWING OR DISTRIBUTING OF UNSOLICITED PRINTED MATTER ON PRIVATE PROPERTY TO BE A PUBLIC NUISANCE AND UNLAWFUL UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. AMENDMENT OF CODE. Section 4-7.107 of Article 1 of Chapter 7 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-7.107. UNSOLICITED PRINTED MATTER PROHIBITED AFTER NOTICE.

(a) The City Council of the City of Modesto finds and determines that the practice of distributing or delivering unsolicited printed matter such as newspapers or advertising circulars to residential property creates a serious police problem and a threat to the public safety in that residents are unaware that such material is going to be delivered or distributed to their premises, and, heretofore, have been unable to make proper provisions to stop the distributions or delivery of such material to their property so that their absence may be inadvertently advertised to persons of criminal propensities as a result of the accumulation of newspapers, advertising, and other such printed matter on their property.

(b) It shall be unlawful and punishable as an infraction for any person, firm, or corporation, or any agent, or employee of any person, firm, or corporation, to deliver or cause to be delivered to or to distribute or cause to be distributed to, the yards or grounds of any house, or multi-family residential structure, or any porch, or doorstep, or vestibule, or any public hallway thereof, or upon any other residential property in the City of Modesto any unsolicited handbill, circular, newspaper, paper, booklet, poster, or any other advertising literature of any kind where the owner or occupant of such residential property has either:

1. Previously expressed his or her desire, in writing, to such person, firm, or corporation, not to receive such unsolicited printed matter (such notice shall only be valid for a period of one year from the date it is mailed); or

2. Posted a sign on the residential property which clearly indicates that the occupant or owner does not desire to receive such unsolicited printed matter.

Provided, however, that such printed matter may be personally delivered to such owners or occupants of such residential property who are willing to accept 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 1989, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore,
Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

APPROVED: *Carol G. Whiteside*
CAROL G. WHITESIDE, Mayor

ATTEST:

By *Judy C. Hall*
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

Ord. No. 2679-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 September, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

APPROVED *Carol G. Whiteside*
MAYOR CAROL G. WHITESIDE

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 19, 1989

ORDINANCE NO. 2680 -C.S.

AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(465), PROPERTY LOCATED ON THE NORTH SIDE OF FAIRMONT AVENUE, WEST OF M.I.D. LATERAL NO. 4. (MIKE FANT)

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 Low Density Residential Zone, R-1, to Planned Development Zone, P-D(465):

R-1 to P-D(465)

A portion of Lot 15 of the Fairmont Tract, as recorded in Volume 6 of Maps, at page 12, Section 21, Township 3 South, Range 9 East, M.D.B.M., more closely described as follows:

Parcel "B" as shown on the parcel map recorded in Volume 19 of Parcel Maps at page 10, Stanislaus County Records.

Including also the south one-half of Corson Avenue, the east one-half of Melrose Avenue, the north one-half of Fairmont Avenue, and the northwest one-half of the M.I.D. Lateral No. 4 right-of-way which adjoins the above-described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(465) Zone, if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. One- or two-story, single-family homes.
2. Off-street parking as shown on the approved plan.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

Ord. No. 2680-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 September, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED Carol Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 19, 1989

Clark

ORDINANCE NO. 2681 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2515-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 7-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(419), PROPERTY LOCATED ON THE SOUTHEAST CORNER OF STANDIFORD AVENUE AND PRESCOTT ROAD (RESOURCE DEVELOPMENT, INC.)"

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 2515-C.S.. Section 2 of Ordinance No. 2515-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(419) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code.

1. Commercial uses as permitted in the C-1 Zone in commercial area on west portion.
2. Business/professional office uses as permitted in P-0 Zone in area on east portion.
3. Off-street parking as shown on the approved plan.
4. A travel agency to continue indefinitely to occupy Parcel 2."

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto,

setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19 day of September, 1989, by Councilmember Sutton, 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: Irizarry, Lang, Muratore, Patterson, Sutton, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: McGrath

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Ord. No. 2681-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 September, 19 89, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton

APPROVED


MAYOR CAROL G. WHITESIDE

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 26, 1989

ORDINANCE NO. 2682 -C.S.

AN ORDINANCE ADDING SECTION 5-5.42 TO CHAPTER 5 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO PAPER RECYCLING RECEPTACLES.

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

SECTION 1. AMENDMENT OF CODE. Section 5-5.42 is hereby added to Chapter 5 of Title V of the Modesto Municipal Code to read as follows:

SEC. 5-5.42. UNATTENDED PAPER RECYCLING RECEPTACLES PROHIBITED WITHOUT THE ISSUANCE OF A TEMPORARY PERMIT.

- (a) It shall be unlawful for any person to place, locate, establish, maintain, erect, leave, or otherwise make available any unattended paper recycling receptacle which is in public view, in the City of Modesto, for the purpose of collecting discarded paper as hereinafter defined; provided, however, that in the case of undertakings sponsored by and located on a site owned by a bona fide nonprofit organization, or religious organization, or public agency, the City Manager or his delegatee shall be authorized to issue temporary permits for the location and use of paper recycling receptacles.
- (b) The City Manager shall promulgate, and from time to time amend rules and regulations for the issuance of temporary permits; and such rules and regulations as adopted or amended are hereby incorporated herein by reference as if fully set forth herein.
- (c) For the purposes of this Section, the following words and phrases shall have the meanings set forth herein:
 - (1) "Paper" shall mean newspapers, magazines, or print material of like purpose.
 - (2) "Paper Recycling Receptacle" shall mean any unattended bin, box, container, structure or device, the purpose of which is to serve as a container for the collection of discarded paper as herein defined.
 - (3) "Person" shall mean any natural person, partnership, corporation, association, firm, company or entity, and shall include both male and female gender.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of September, 1989, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton;
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Ord. No. 2682-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 September, 1989, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the ordinance adopted by the following vote: 4.

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Sutton, Mayor Whiteside

APPROVED



MAYOR CAROL G. WHITESIDE

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 26, 1989

ORDINANCE NO. 2683 -C.S.

AN ORDINANCE AMENDING SECTIONS 3-2.1401 AND 3-2.1401.1 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO.

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

SECTION 1. AMENDMENT OF CODE. Sections 3-2.1401 and 3-2.1401.1 of Article 14 of Chapter 2 of Title III of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 3-2.1401. CHANGE IN SPEED LIMITS SET BY STATE LAW.

Pursuant to authority contained in the California Vehicle Code Sections 22357 and 22358, it is hereby determined upon the basis of an engineering and traffic survey that the prima facie speed limits hereinafter set forth would facilitate the orderly movement of vehicular traffic and would be reasonable and safe, except when passing school grounds, and it is hereby determined that a speed limit greater than those hereinafter set forth would be more than is reasonable or safe. It is hereby declared that the prima facie speed limits hereinafter set forth are established according to law.

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>
ALICE STREET, between Sycamore Avenue and McHenry Avenue	25 miles per hour
BLUE GUM AVENUE, between Carpenter Road and Culpepper Avenue	25 miles per hour
BRIGGSMORE AVENUE, between Sisk Road and Prescott Road	30 miles per hour
CARPENTER ROAD, between Blue Gum Avenue and Orangeburg Avenue	30 miles per hour
CARPENTER ROAD, between the Tuolumne River and Robertson Road	35 miles per hour
CENTER STREET, between Rosedale Avenue and Calaveras Avenue	25 miles per hour
CONANT AVENUE, between Sisk Road and Rumble Road	25 miles per hour

CONANT AVENUE, between Standiford Avenue and Veneman Avenue	25 miles per hour
CROWS LANDING, between 7th Street and Blankenburg Avenue; those portions within the City	35 miles per hour
CROWS LANDING, between School Avenue and Imperial Avenue; those portions within the City	35 miles per hour
CROWS LANDING, between Imperial Avenue and Whitmore; those portions within the City	45 miles per hour
DEL VALE AVENUE, between Del Vista Avenue and Glenwood Drive	25 miles per hour
EMERALD AVENUE, between Maze Boulevard and Kansas Avenue within the City limits	25 miles per hour
ENSLEN AVENUE, between Granger Avenue and Orangeburg Avenue	25 miles per hour
FAIRMONT AVENUE, between Virginia Avenue and McHenry Avenue	25 miles per hour
GRAPE AVENUE, between Pearl Street and Evergreen Avenue	25 miles per hour
GRISWOLD AVENUE, between Virginia Avenue and McHenry Avenue	25 miles per hour
HADDON AVENUE, between La Loma Avenue and Conejo Avenue	25 miles per hour
HASHEM DRIVE, between Sylvan Avenue and Oakdale Road	30 miles per hour
HATCH ROAD, within the City limits	35 miles per hour
JEFFERSON STREET, between Paradise Road and 8th Street	25 miles per hour
K STREET, between Washington Street and 9th Street	25 miles per hour
LEGION PARK ROAD, between Santa Cruz Avenue and Tioga Drive	25 miles per hour
LEVELAND LANE, between College Avenue and TSRR tracks	25 miles per hour

LINCOLN OAK DRIVE, between Merle Avenue and Floyd Avenue	25 miles per hour
LUCERN AVENUE, between Johnson Street and Coffee Road	25 miles per hour
MADISON STREET, between Paradise Avenue and Laurel Avenue	25 miles per hour
MORTON BOULEVARD, between 9th Street and Downey Avenue	25 miles per hour
NEECE DRIVE, between Rouse Avenue and Sunset Avenue	25 miles per hour
N. MARTIN LUTHER KING DRIVE, between Maze Boulevard and Laurel Avenue	25 miles per hour
PARKER ROAD, between Claus Road and the Atchinson, Topeka and Santa Fe Railroad Tracks within the City Limits	50 miles per hour
PEARL STREET, between Carver Road and Dougfir Drive	25 miles per hour
RIVER ROAD, between Herndon Avenue and 1,200 feet west of Herndon Avenue	35 miles per hour
ROBLE AVENUE, between Santa Ana Avenue and Rosina Avenue	25 miles per hour
SHERWOOD AVENUE, between Orangeburg Avenue and Briggsmore Avenue	25 miles per hour
SNYDER AVENUE, between Blue Bird Drive and Dale Road	25 miles per hour
STODDARD AVENUE, between McHenry Avenue and Virginia Avenue	25 miles per hour
TIOGA DRIVE, between Conejo Avenue and Legion Park Drive	25 miles per hour
WESTERN WAY, between Sutter Avenue and Roselawn Avenue	25 miles per hour
WINMOORE WAY, between Crowslanding Road and Jim Way	25 miles per hour

WRIGHT STREET, between Sycamore Avenue and McHenry Avenue	25 miles per hour
7TH STREET, between Sierra Drive and the Tuolumne River	25 miles per hour
9TH STREET, between 400' north of Tully Road and P Street	35 miles per hour
9TH STREET, between D Street and north end of the Tuolumne River Bridge	30 miles per hour
9TH STREET, on the Tuolumne River Bridge	40 miles per hour

SEC. 3-2.1401.1. CHANGE IN SPEED LIMITS SET BY STATE LAW:
FOR PURPOSE OF ENFORCEMENT USING RADAR OR OTHER ELECTRONIC DEVICE.

By authority of, and upon the basis of engineering and traffic surveys conducted pursuant to Vehicle Code and the Traffic Manual of the Department of Transportation, it is determined that the prima facie speed limits which follow would facilitate the orderly movement of vehicular traffic and would be reasonable and safe.

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>	<u>DATE SURVEYED</u>
BLUE GUM AVENUE, between Poust and Carpenter Roads	35 miles per hour	August 31, 1989
BOWEN AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	June 2, 1987
BRIGGSMORE AVENUE, between Prescott Road and Tully Road	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, (east and westbound) between Tully Road and McHenry Avenue	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, (westbound) between Coffee Road and McHenry Avenue	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, (east-bound) between McHenry Avenue and 1,000 feet west of Coffee Road	40 miles per hour	June 2, 1987

BRIGGSMORE AVENUE, (eastbound), between a point 1,000 feet west of Coffee Road and Coffee Road	40 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, between Coffee Road and Rose Avenue	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, between Rose Avenue and Oakdale Road	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, between Oakdale Road and Claus Road	45 miles per hour	October 20, 1988
BRIGHTON AVENUE, between Coffee Road and Locke Road	30 miles per hour	March 2, 1988
CALIFORNIA AVENUE, between Carpenter Road and N. Martin Luther King Drive within the City limits	35 miles per hour	February 24, 1987
CARPENTER ROAD, between Blue Gum Avenue and Woodland Avenue within the City limits	45 miles per hour	November 2, 1988
CARPENTER ROAD, between Woodland Avenue and Maze Boulevard within the City limits	40 miles per hour	March 14, 1989
CARPENTER ROAD, between Maze Boulevard and Paradise Road within the City limits	45 miles per hour	October 26, 1988
CARVER ROAD, between M.I.D. Lateral No. 6 and Brixton Lane within the City limits	40 miles per hour	March 27, 1986
CARVER ROAD, between Brixton Lane and Briggsmore Avenue	35 miles per hour	May 26, 1987
CARVER ROAD, between Briggsmore Avenue and Orangeburg Avenue	30 miles per hour	May 8, 1987
CARVER ROAD, between Orangeburg Avenue and 9th Street within the City limits	35 miles per hour	May 26, 1987
CELESTE DRIVE, between Coffee Road and Oakdale Road	30 miles per hour	March 8, 1988

CLAUS ROAD, between M.I.D. Lateral No. 3 and 200' south of Scenic Drive	45 miles per hour	October 26, 1988
CLAUS ROAD, between 200' south of Scenic Drive and Yosemite Boulevard	50 miles per hour	February 14, 1989
COFFEE ROAD, between Mable Avenue and Sylvan Avenue within the City limits	45 miles per hour	April 17, 1986
COFFEE ROAD, between Sylvan Avenue and Floyd Avenue within the City limits	35 miles per hour	October 27, 1988
COFFEE ROAD, between Floyd Avenue and Briggsmore Avenue	35 miles per hour	October 27, 1988
COFFEE ROAD, between Briggsmore Avenue and Scenic Drive	35 miles per hour	October 27, 1988
COLLEGE AVENUE, between Rumble Road and Bowen Avenue	30 miles per hour	October 27, 1988
COLLEGE AVENUE, between Bowen Avenue and Princeton Avenue	35 miles per hour	June 2, 1987
CROWS LANDING ROAD, Blankenburg Avenue to School Avenue, within the City limits	35 miles per hour	March 2, 1988
DALE ROAD, between Pelandale Avenue and Snyder Avenue within the City limits	35 miles per hour	September 2, 1987
DALE ROAD, between Snyder Avenue and Veneman Avenue	35 miles per hour	September 2, 1987
DALE ROAD, between Veneman Avenue and Standiford Avenue	35 miles per hour	October 20, 1988
EASTRIDGE DRIVE, between Orangeburg Avenue and Scenic Drive	30 miles per hour	March 7, 1988
EICHER AVENUE, between Conant Avenue and Goldie Avenue	30 miles per hour	September 19, 1985
EL VISTA AVENUE, between Scenic Drive and Yosemite Boulevard	35 miles per hour	October 26, 1988

EMERALD AVENUE, between Maze Boulevard and California Avenue within the City limits	35 miles per hour	March 2, 1988
ENCINA AVENUE, between Santa Barbara Avenue and Conejo Avenue	30 miles per hour	March 8, 1988
EVERGREEN AVENUE, between Orangeburg Avenue and Carver Road	30 miles per hour	June 23, 1988
FAIRMONT AVENUE, between Sunrise Avenue and Coffee Road	30 miles per hour	March 7, 1988
FLOYD AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	May 26, 1987
FLOYD AVENUE, between Coffee Road and Oakdale Road	30 miles per hour	March 8, 1988
FLOYD AVENUE, between Oakdale Road and Roselle Avenue within the City limits	35 miles per hour	August 26, 1987
GRANGER AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	March 8, 1988
GRANGER AVENUE, between McHenry Avenue and Sunrise Avenue	30 miles per hour	March 7, 1988
KANSAS AVENUE, between Carpenter Road and Emerald Avenue within the City limits	40 miles per hour	March 19, 1986
KANSAS AVENUE, between Emerald Avenue and Eighth Street	35 miles per hour	October 26, 1988
KEARNEY AVENUE, between Glenwood Drive and Coldwell Avenue	30 miles per hour	September 18, 1985
KELLER STREET, between Sylvan Avenue and Rumble Road within the City limits	30 miles per hour	October 27, 1988
LA LOMA AVENUE, between H Street and Santa Ana Avenue	35 miles per hour	August 27, 1986

LA LOMA AVENUE, between Santa Ana Avenue and Yosemite Boulevard	35 miles per hour	August 27, 1986
LAKWOOD AVENUE, between Orangeburg Avenue and Scenic Drive	30 miles per hour	March 7, 1988
LINCOLN AVENUE, between 650' north of M.I.D. Lateral No. 2 and Yosemite Boulevard	35 miles per hour	August 30, 1989
MABLE AVENUE, between Coffee Road and Oakdale Road	35 miles per hour	September 19, 1985
MERLE AVENUE, between Oakdale Road and Roselle Avenue	35 miles per hour	March 14, 1989
MILLER AVENUE, between La Loma Avenue and El Vista Avenue	35 miles per hour	June 11, 1987
MITCHELL ROAD, between Finch Road and the southerly City limits	50 miles per hour	June 11, 1987
MORRIS AVENUE, between McHenry Avenue and Coffee Road	30 miles per hour	May 26, 1987
MT. VERNON DRIVE, between Prescott Road and Carver Road	30 miles per hour	March 8, 1988
MT. VERNON DRIVE, between Carver Road and College Avenue	30 miles per hour	March 8, 1988
NEECE DRIVE, between Tuolumne Boulevard and Rouse Avenue	35 miles per hour	March 2, 1988
NEEDHAM STREET, between 9th and L Streets	35 miles per hour	March 2, 1988
N. MARTIN LUTHER KING DRIVE, between Maze Boulevard and California Avenue	30 miles per hour	June 24, 1987
NORWEGIAN AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	March 8, 1988
OAKDALE ROAD, between Mable Avenue and Sylvan Avenue within the City limits	50 miles per hour	March 14, 1989

OAKDALE ROAD, between Sylvan Avenue and Floyd Avenue within the City limits	45 miles per hour	March 14, 1989
OAKDALE ROAD, between Floyd Avenue and Briggsmore Avenue	35 miles per hour	April 21, 1988
OAKDALE ROAD, between Briggsmore Avenue and Scenic Drive	35 miles per hour	April 21, 1988
ORANGEBURG AVENUE, between Briggsmore Avenue and Martin Avenue	30 miles per hour	August 30, 1989
ORANGEBURG AVENUE, between Martin Avenue and McHenry Avenue	35 miles per hour	March 9, 1988
ORANGEBURG AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	March 31, 1988
ORANGEBURG AVENUE, between Coffee Road and Oakdale Road	35 miles per hour	March 17, 1986
ORANGEBURG AVENUE, between Oakdale Road and Lakewood Avenue	35 miles per hour	August 31, 1989
ORANGEBURG AVENUE, between Lakewood Avenue and Claus Road	35 miles per hour	August 31, 1989
PARADISE ROAD, between Vernon Avenue and N. Martin Luther King Drive within the City limits	35 miles per hour	March 14, 1989
PARADISE ROAD, between N. Martin Luther King Drive and Washington Street	30 miles per hour	March 14, 1989
PRESCOTT ROAD, between Snyder Avenue and Standiford Avenue	35 miles per hour	March 9, 1988
PRESCOTT ROAD, between Standiford Avenue and Rumble Road	35 miles per hour	March 9, 1988
PRESCOTT ROAD, between Rumble Road and Briggsmore Avenue	35 miles per hour	October 20, 1988

PRINCETON AVENUE, between Tully Road and College Avenue	25 miles per hour	August 30, 1989
RIVERSIDE DRIVE, between Edge- brook Drive and Yosemite Boulevard	35 miles per hour	September 19, 1985
ROSE AVENUE, between Floyd Avenue and Briggsmore Avenue	35 miles per hour	May 26, 1987
ROSE AVENUE, between Briggsmore Avenue and Scenic Drive	35 miles per hour	May 26, 1987
ROSEBURG AVENUE, between Carver Road and Tully Road	30 miles per hour	March 7, 1988
ROSEBURG AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	March 7, 1988
ROSEBURG AVENUE, between McHenry Avenue and Sunrise Avenue	35 miles per hour	March 7, 1988
ROSEMORE AVENUE, between Blue Gum Avenue and Kansas Avenue within the City limits	35 miles per hour	October 31, 1985
ROUSE AVENUE, between Neece Drive and Colorado Avenue within the City limits	35 miles per hour	June 26, 1987
RUMBLE ROAD, between Sisk Road and Conant Avenue	40 miles per hour	March 27-28, 1986
RUMBLE ROAD, between Conant Avenue and Tully Road	30 miles per hour	March 9, 1988
RUMBLE ROAD, between Tully Road and McHenry Avenue	35 miles per hour	September 18, 1985
RUMBLE ROAD, between McHenry Avenue and Coffee Road	35 miles per hour	March 8, 1988
SANTA CRUZ AVENUE, between Yosemite Boulevard and Legion Park Drive within the City limits	35 miles per hour	October 9, 1985
SCENIC DRIVE, between Burney Street and Coffee Road	30 miles per hour	March 2, 1988

SCENIC DRIVE, between Coffee Road and Oakdale Road	40 miles per hour	March 17, 1986
SCENIC DRIVE, between Oakdale Road and Lakewood Avenue	45 miles per hour	July 22, 1985
SCENIC DRIVE, between Lakewood Avenue and Lillian Drive	30 miles per hour	March 7, 1988
SCENIC DRIVE, between Lillian Drive and Claus Road	40 miles per hour	June 11, 1987
SHARON WAY, between Budd Street and Prescott Road	30 miles per hour	March 8, 1988
SIERRA DRIVE, between G and South 7th Streets	30 miles per hour	March 2, 1988
SISK ROAD, between 600' north of Vintage Drive and Standiford Avenue	40 miles per hour	December 9, 1985
SISK ROAD, between Standiford Avenue and Briggsmore Avenue	40 miles per hour	March 28, 1986
SNYDER AVENUE, between Dale Road and Prescott Road within the City limits	35 miles per hour	September 30, 1987
SNYDER AVENUE, between Prescott Road and Carver Road within the City limits	40 miles per hour	September 30, 1987
STANDIFORD AVENUE, between Dale Road and Prescott Road within the City limits	35 miles per hour	August 30, 1989
STANDIFORD AVENUE, between Prescott Road and Carver Road	35 miles per hour	August 30, 1989
STANDIFORD AVENUE, between Carver Road and Tully Road	40 miles per hour	October 26, 1988
STANDIFORD AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	March 14, 1989
SUNRISE AVENUE, between Floyd Avenue and Briggsmore Avenue	30 miles per hour	March 8, 1988

SUNRISE AVENUE, between Briggsmore Avenue and Lucern Avenue	30 miles per hour	August 31, 1989
SURREY AVENUE, between Oakdale Road and Eastridge Drive	30 miles per hour	August 31, 1989
SUTTER AVENUE, between Paradise Road and Robertson Road within the City limits	30 miles per hour	June 24, 1987
SYCAMORE AVENUE, between Orangeburg Avenue and Griswold Avenue	30 miles per hour	October 26, 1988
SYLVAN AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	August 30, 1989
SYLVAN AVENUE, between Coffee Road and Oakdale Road	35 miles per hour	February 14, 1989
TENAYA DRIVE, between Santa Rita Avenue and South Riverside Drive within the City limits	35 miles per hour	October 9, 1985
TULLY ROAD, between M.I.D. Lateral No. 6 and Standiford Avenue	35 miles per hour	March 9, 1988
TULLY ROAD, between Standiford Avenue and Coldwell Avenue	35 miles per hour	June 2, 1987
TUOLUMNE BOULEVARD, between Paradise Road and 7th Street	35 miles per hour	June 24, 1987
VENEMAN AVENUE, between Dale Road and Regency Park Drive	35 miles per hour	June 2, 1987
VENEMAN AVENUE NORTH, between Regency Park Drive and Snyder Avenue	25 miles per hour	October 28, 1988
VIRGINIA AVENUE, between Roseburg Avenue and Needham Street	30 miles per hour	March 7, 1988

WHITMORE AVENUE, between Crows Landing Road and Morgan Road within the City limits	45 miles per hour	March 27, 1986
WOODLAND AVENUE, between Morse Road and Carpenter Road, within the City limits	35 miles per hour	October 26, 1988
WOODLAND AVENUE, between Carpenter Road and 9th Street, within the City limits	35 miles per hour	August 28, 1986
WOODROW AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	March 9, 1988
WYLIE DRIVE, between Rose Avenue and Oakdale Road	30 miles per hour	October 26, 1988
9TH STREET, between Carpenter Road and 400' north of Tully Road within the City limits	45 miles per hour	December 2, 1986
9TH STREET, between P Street and L Street	35 miles per hour	March 19, 1986

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 1989, 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: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: 
CAROL G. WHITESIDE, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2683-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 October, 1989, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

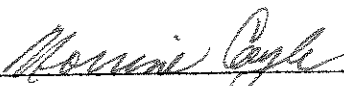
ABSENT: Councilmembers: Patterson

APPROVED



MAYOR CAROL G. WHITESIDE

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 16, 1989

Check (29)

ORDINANCE NO. 2684 -C.S.

AN ORDINANCE AMENDING SECTIONS 9-1.01, 9-1.05, 9-1.08, 9-1.09, 9-1.14, 9-1.15, AND 9-1.16 OF CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, ADDING SECTION 9-1.13 OF CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, AND REPEALING SECTION 9-1.17 OF CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE BUILDING CODE.

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

SECTION 1. AMENDMENT OF CODE. Sections 9-1.01, 9-1.05, 9-1.08, 9-1.09, 9-1.14, 9-1.15, and 9-1.16 of Chapter 1 of Title IX of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 9-1.01. ADOPTION BY REFERENCE OF "UNIFORM BUILDING CODE."

That certain document, three (3) copies of which are on file in the office of the City Clerk, being marked and designated as "Uniform Building Code, 1988 Edition," published by the International Conference of Building Officials, together with Appendix Chapters 7, 11, 32, 38, 49, 55, 57, and 70, and the Uniform Building Code Standards referred to therein, which said Code provides for proper regulations for erecting, constructing, enlarging, altering, repairing, removing, conversions, demolition, occupancy, equipment, use, height, and maintenance of buildings or structures in the City and providing for the issuance of permits and collection of fees therefor, and providing penalties for the violation thereof, as hereinafter amended, deleted and added to, be and the same is hereby adopted by reference as the Building Code of the City of Modesto.

SEC. 9-1.05. BOARD OF BUILDING APPEALS.

That Section 204 of said Building Code be amended to read as follows:

Section 204.

- (a) In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of this Code, the Uniform Mechanical Code, the Uniform Plumbing Code, the Uniform Housing Code, the National Electrical Code, Flood Damage Prevention Regulation and the Uniform Code for the Abatement of Dangerous Buildings, and to hear appeals provided for in said codes and regulations, there shall be and is hereby created a Board of Building Appeals, hereinafter referred to as the Board, consisting of five (5) members who are qualified by experience and training to pass upon matters pertaining to building

construction. The Building Official shall act as Secretary of the Board. The members of the Board shall be appointed and hold office in accordance with the provisions of Article XI of the Charter of the City of Modesto.

The Board of Building Appeals created hereby shall be the successor to the Board of Appeals created by Title IX of the Modesto Municipal Code, as said chapters existing previous to the effective date of this Code, and the members of said Board of Appeals holding office when this Code becomes effective shall continue to hold office as members of the Board of Building Appeals created by this Code, for the remainder of the terms to which they were originally appointed and until their respective successors shall be appointed and qualified. All actions taken and decisions made by said Board of Appeals prior to the effective date of this Code shall continue in full force and effect the same as if taken or made by the Board of Building Appeals created by this Code.

- (b) The Board shall adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant and may recommend to the Council of the City of Modesto such new legislation is consistent therewith.
- (c) Except as otherwise provided in the Uniform Mechanical Code, the Uniform Plumbing Code, the Uniform Housing Code, the National Electrical Code, Flood Damage Prevention regulation and the Uniform Code for the Abatement of Dangerous Buildings, the Board shall hear appeals in accordance with the procedures set forth herein.
- (d) As soon as practicable after receiving a written appeal, the Building Official shall fix a date, time and place for the hearing of the appeal by the Board. Such date shall be not less than ten (10) days nor more than forty-five (45) days from the date the appeal was filed with the Building Official. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to the appellant(s) by the Building Official either by causing a copy of such notice to be delivered to the appellant(s) personally or by mailing a copy thereof, postage prepaid, addressed to the appellant(s) at the address(es) shown on the appeal.
- (e) The decision of the Board in granting or denying an appeal shall become final and effective fifteen (15) days after the date of adoption of the decision, unless within such fifteen (15) day period an appeal is filed by the appellant(s) in writing with the City Council. The filing of such appeal

within such time limit shall stay the effective date of the decision of the Board until such time as the Council has acted on the appeal.

Upon receipt of a written appeal filed with the Council as provided herein, the Secretary of the board shall thereupon transmit to the Council the Board's complete record of the case.

Within not to exceed forty (40) days following the receipt of the written appeal, the Council shall hold a hearing thereon. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to the appellant(s) by the City Clerk either by causing a copy of such notice to be delivered to the appellant(s) personally or by mailing a copy thereof, postage prepaid, addressed to the appellant(s) at the address(es) shown on the appeal.

The Council shall announce its findings and decision by formal resolution not more than forty (40) days following the hearings, and said resolution shall recite, among other things, the facts and reasons which, in the opinion of the City Council, make the granting or denial of the appeal necessary, and shall order that the appeal be granted or denied or modified subject to such conditions or limitations that it may impose.

The action by the Council on such matters shall be by majority vote of the entire Council and shall be final and conclusive.

Not later than ten (10) days following the adoption of a resolution ordering that an appeal be granted or denied, a copy of such resolution shall be mailed to the appellant(s) and one copy shall be attached to the Board's file of the case and said file returned to the Secretary of the Board for permanent filing.

SEC. 9-1.08. FEES.

That subsection (a) and (b) of Section 304 of said Building Code be amended to read as follows:

- (a) Building Permit Fees. A fee for each building permit shall be paid to the Building Official as set forth in a schedule setting forth building fees as adopted from time to time by resolution of the City Council.

The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The valuation to be used in computing the permit and plan-check fee shall be the total value of all construction

work for which the permit is issued as well as all finished work, painting, roofing, electrical, plumbing, heating, air conditioning systems and any other permanent work or permanent equipment.

Permit fees for new buildings or additions to buildings of Group R, Division 3 and M occupancies may be determined by the Building Official by multiplying the square foot of floor area of such building or addition by the price per square foot value which results in the total fee for the building permit, the plan checking, the plumbing permit, the mechanical permit, and the electrical permit. The per square foot value shall be determined by the Building Official, and such value when multiplied by the floor areas shall result in a total fee which shall be commensurate with the sum of such fees if individually calculated by otherwise applicable provisions of the Municipal Code.

- (b) Plan-Checking Fees. When the valuation of the proposed construction exceeds one thousand dollars (\$1,000.00), and a plan is required to be submitted by section (b) of Section 302, a plan-checking fee shall be paid to the Building Official at the time of submitting plans and specifications for checking.

Said plan-checking fees for buildings of Groups R, Division 3 and M occupancies shall be twenty percent (20%) of the building permit fees. Plan-checking fees for buildings of Group R, Division 3 for which Master Plans are approved shall be ten percent (10%) of the building permit fees. Plan-checking fees for all other buildings shall be sixty-five percent (65%) of the building permit fees as set forth in a schedule setting forth building fees as adopted from time to time by resolution of the City Council.

Where plans are incomplete, or changed so as to require additional plan checking, an additional plan-check fee shall be charged at a rate shown in a schedule setting forth building fees as adopted from time to time by resolution of the City Council.

The Building Official may require that the plan-checking fee be paid at the same time the permit fee is paid.

SEC. 9-1.09. FEES.

That subsections (g) and (h) be added to Section 304 of said Building Code to read as follows:

- (g) Fees to Governmental Agencies. No permit fees shall be required for the issuance of building permits to governmental

agencies; however, governmental agencies which obtain permits may be charged plan-checking and inspection fees to defray the actual cost of these services.

- (h) Telephone Permit Procedure. The Building Official is hereby authorized to establish a system for the issuance of routine permits upon telephonic request and to issue such directives and regulations as are deemed necessary to govern the operation and administration of such a system. Said directives and regulations shall have the force and effect of law and a violation thereof shall constitute a violation of this Code. Such a system may provide for the payment of permit fees on permits issued by telephone on an accounts receivable basis.

SEC. 9-1.14. MINIMUM SLAB THICKNESS.

That Section 2623 of said Building Code be amended to read as follows:

Section 2623.

- (a) The minimum thickness of concrete floor slabs supported directly on the ground shall be not less than three and one-half (3-1/2) inches.
- (b) Concrete slab floors, when used as a finished floor or as a base for other floor finish in buildings to be used in Groups R, Divisions 1 and 3, shall be constructed according to the following additional requirements, or as approved by the Building Official:
 - (1) Four (4) inches of compacted gravel (three-fourths inch), maximum aggregate size shall be placed so that the surface of the base is not less than two (2) inches above finish grade.
 - (2) A membrane water proofing, six (6) mil, or water proofing acceptable to the Building Official shall be placed on the rock base. The membrane shall extend to exterior walls and turn up to top of slab or down to bottom of footing for monolithic pours.
 - (3) One-half inch of clean sand shall be placed on the membrane water proofing before placing of concrete.

SEC. 9-1.15. SPECIAL DOORS.

That subsection (h) of Section 5604 of said Building Code be amended to read as follows:

- (h) Revolving, sliding and overhead doors shall not be used as required exits. Approved power operated doors may be used for exit purposes.

EXCEPTION: Notwithstanding any other provisions of this Code, roll up and sliding security grills or doors of a type approved by the Building Official and Fire Chief shall be permitted as required exits from a B-2 occupancy into an enclosed, covered mall, provided:

1. That all B-2 occupancies shall have another conforming means of egress. This conforming means of egress shall have panic hardware or shall have no latch or lock and shall have lighted exit signs in locations as required by the Building Official.
2. That all other exits from the mall shall be provided with panic hardware or shall have no latch or lock.
3. That all roll up or sliding security grills or doors shall be provided with a key locking device so as to enable the grill to be locked in the full open position, and shall be so locked during any time that the public is in the B-2 occupancy. A readily visible permanent sign shall be placed adjacent to such locking device stating, "THIS DOOR TO REMAIN LOCKED IN THE FULL OPEN POSITION WHENEVER THE PUBLIC IS IN THIS STORE." The sign shall be in letters not less than one (1) inch high on a contrasting background.
4. That all electrically operated roll up or sliding security grills or doors shall have a manual override within the B-2 occupancy which shall allow easy manual opening of the grill or door. This manual override shall not be locked whenever the public is in the B-2 occupancy. That a readily visible permanent sign shall be placed adjacent to such manual override giving instructions for its use in letters not less than one (1) inch high on a contrasting background.
5. That the roll up or sliding security grill or door shall be installed for the full opening between the B-2 occupancy and the mall except for required structural supports and minor architectural appendages.

The use of this exception may be revoked by the Building Official or the Fire Chief for due cause.

SEC. 9-1.16. SECTIONS TO BE DELETED FROM BUILDING CODE.

That Sections 5101, 5102, 5103, 5104, 5105, and 5106 of said Building Code are hereby deleted.

SECTION 2. AMENDMENT OF CODE. Section 9-1.13 is hereby added to Chapter 1 of Title IX of the Modesto Municipal Code to read as follows:

SEC. 9-1.13. BUILDING SECURITY.

That Section 1215 be added to said Building Code to read as follows:

Section 1215.

- (a) Every exterior door of a dwelling unit, except sliding glass doors, and every door leading from a garage into a dwelling unit shall be equipped with a self-locking (dead latch) device with a minimum throw of one-half inch.
- (b) Every exterior sliding glass door of a dwelling unit shall be so equipped that it can be secured from the inside in such a manner that when so secured it cannot be lifted from the door frames.
- (c) Every window of a dwelling unit shall be so equipped that it can be secured from the inside in such a manner that when so secured it cannot be lifted from the window frame.

SECTION 3. REPEALS. Section 9-1.17 of Chapter 1 of Title IX of the Modesto Municipal Code is hereby repealed.

SECTION 4. FINDING AND DECLARATION. As required by the Health and Safety Code of the State of California, the Council of the City of Modesto finds and declares that the foregoing additions, modifications and changes to the regulations adopted pursuant to said Health and Safety Code are reasonably necessary because of local conditions in that they adopt the 1988 Edition of the Uniform Building Code in lieu of the 1982 Edition, prescribe local fee schedules, prescribe local procedures to be used in the administration and enforcement of said Code, provide for local interpretations of said Code, make other changes in said Code consistent with local custom and practice as

reflected in the prior local building code, and other changes due to local climatic and geographic conditions.

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. SAVINGS. The provisions of this ordinance shall not affect any proceedings, suit or prosecution heretofore or hereafter commenced under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance shall be discharged or affected by the adoption of this ordinance; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted or proceeded with in all respects as if this ordinance had not been adopted.

SECTION 7. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of October, 1989, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

APPROVED: 

CAROL G. WHITESIDE, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2684-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 October, 19 89, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED



MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 23, 1989

Clerk (22)

ORDINANCE NO. 2685 -C.S.

AN ORDINANCE AMENDING SECTIONS 9-7.01 AND 9-7.07 OF CHAPTER 7 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE MECHANICAL CODE.

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

SECTION 1. AMENDMENT OF CODE. Sections 9-7.01 and 9-7.07 of Chapter 7 of Title IX of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 9-7.01. ADOPTION BY REFERENCE OF "UNIFORM MECHANICAL CODE".

That certain document, three (3) copies of which are on file in the office of the City Clerk, being marked and designated as "Uniform Mechanical Code, 1988 Edition", published by the International Association of Plumbing and Mechanical Officials and the International Conference of Building Officials, together with Appendices A, B, and C thereto, which said Code provides for proper regulations for erecting, installing, altering, repairing, relocating, replacing, adding to, using and maintenance of, any heating, ventilating, comfort cooling or refrigeration systems and incinerators and other miscellaneous heat-producing appliances in the City and providing for the issuance of permits and collection of fees therefor, and providing penalties for the violation thereof, as hereinafter amended, deleted and added to, be and the same is hereby adopted by reference as the Mechanical Code of the City of Modesto.

SEC. 9-7.07. PERMIT FEES.

That subsection (a) of Section 304 of said Mechanical Code be amended to read as follows:

- (a) The fee for each permit shall be as set forth in a schedule established by the Modesto City Council, which may be set or amended from time to time by City Council resolution. No permit fees shall be required for the issuance of mechanical permits to governmental agencies; however governmental agencies which obtain permits may be charged inspection fees to defray the actual cost of inspection services.

SECTION 2. FINDING AND DECLARATION. As required by the Health and Safety Code of the State of California, the Council of the City of Modesto finds and declares that the foregoing additions, modifications and changes to

the regulations adopted pursuant to said Health and Safety Code are reasonably necessary because of local conditions in that they adopt the 1988 Edition of the Uniform Mechanical Code in lieu of the 1982 Edition, prescribe local fee schedules, prescribe local procedures to be used in the administration and enforcement of said Code, provide for local interpretations of said Code, make other changes in said Code consistent with local custom and practice as reflected in the prior local mechanical code, and other changes due to local climatic and geographic conditions.

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. SAVINGS. The provisions of this ordinance shall not affect any proceedings, suit or prosecution heretofore or hereafter commenced under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance shall be discharged or affected by the adoption of this ordinance; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted or proceeded with in all respects as if this ordinance had not been adopted.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto,

setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of October, 1989, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Ord. No. 2685-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 October, 1989, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED



MAYOR CAROL G. WHITESIDE

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 23, 1989

9/1/88 (2)

ORDINANCE NO. 2686 -C.S.

AN ORDINANCE AMENDING SECTIONS 9-2.01, 9-2.05, 9-2.08, 9-2.14, 9-2.15, AND 9-2.16 OF CHAPTER 2 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, ADDING SECTION 9-2.13 OF CHAPTER 2 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, AND REPEALING SECTION 9-2.17 OF CHAPTER 2 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE PLUMBING CODE.

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

SECTION 1. AMENDMENT OF CODE. Sections 9-2.01, 9-2.05, 9-2.08, 9-2.14, 9-2.15, and 9-2.16 of Chapter 2 of Title IX of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 9-2.01. ADOPTION OF "UNIFORM PLUMBING CODE."

That certain document three (3) copies of which are on file in the office of the City Clerk being marked and designated as the "Uniform Plumbing Code, 1988 Edition," adopted by the International Association of Plumbing and Mechanical Officials, together with Appendices A, B, C, D and I thereto, which said Code provides for the protection of the public health and safety, requires a permit for the installation or alteration of plumbing and drainage systems, defines certain terms, establishes minimum regulations for the installation, alteration or repair of plumbing and drainage systems and the inspection thereof, and provides penalties for the violation thereof, as amended, deleted and added to, be and the same is hereby adopted by reference as the Plumbing Code of the City of Modesto.

SEC. 9-2.05. ADMINISTRATIVE AUTHORITY.

That Section 20.1 of said Plumbing Code be amended to read as follows:

Section 20.1. Administrative Authority. The Administrative Authority is the Building Official, or his duly authorized representative who is hereby charged with the administration and enforcement of this Code. The Building Official is hereby authorized and directed to enforce all provisions of this Code. For such purposes he shall have the powers of a law enforcement officer.

SEC. 9-2.08. COST OF PERMIT.

That the Schedule of Fees set forth in Section 20.7 of said Plumbing Code shall be that schedule of fees as adopted from time to time by resolution of the Modesto City Council.

No permit fees shall be required for the issuance of plumbing permits to governmental agencies; however, governmental agencies which obtain permits may be charged inspection fees to defray the actual cost of inspection services.

SEC. 9-2.14. VALIDITY AND LENGTH OF PERMIT.

That Section 20.17 be added to said Plumbing Code to read as follows:

Section 20.17.

- (a) Validity. The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Code. No permit presuming to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use which it authorizes is lawful.
- (b) Expiration. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of said permit, or if such building or work authorized by such permit is suspended or abandoned at any time after the work has commenced for a period of one hundred eighty (180) days, or if the building or work authorized by such permit is not completed seven hundred thirty (730) days from the date of such permit. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount required of a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one (1) year.

Any permittee holding an unexpired permit may apply for an extension of time within which he may commence the work under that permit when he is unable to commence work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

SEC. 9-2.15. RAINWATER PIPING.

That Section 410 be added to said Plumbing Code to read as follows:

Section 410.

- (a) No overflow from a cistern, tank, expansion tank, drip pan or other device shall be directly connected to any soil waste or vent pipe, house drain or house sewer.
- (b) Rainwater from roofs, parking areas, landscaped areas or other approved areas exposed to rainwater may be drained into the public positive storm water drainage system, but shall not drain into any sewer intended for sanitary sewage. A permit shall be procured in all cases to connect rainwater drainage to a positive storm water drainage system. The Public Works and Transportation Director is authorized to limit the rate of flow of storm water into the public storm water drainage system.

Rainwater from roofs, parking areas, landscaped areas or other approved areas may drain into the public street gutter; provided, that such gutter is paved and runs to a catch basin connected to the public positive storm drain system. The Public Works and Transportation Director is authorized to limit the rate at which this storm water flows into the public storm drain.

In areas of the City not served by a public, positive storm water drainage system, rainwater from roofs, parking areas, landscaped areas and other approved areas shall be retained on the premises and disposed of on the premises. On-premises disposal systems may consist of rock wells, retention basins, or other approved methods that allow the storm drainage to be absorbed into the soil.

- (c) No rainwater from roofs or other rainwater drainages of premises shall discharge upon a public sidewalk. When it is desired to conduct rainwater from a building or premises to a public street gutter, the outside underground piping shall be cast iron soil pipe. Water leaders connecting to such underground drainage piping, which are on the outside of a building wall that abuts on a public thoroughfare shall be constructed of cast iron pipe for a distance of five (5) feet vertically above grade.
- (d) No sheet metal water leader shall be installed on the inside of a building, inner court or vent shaft. No sheet metal leader shall be directly connected to any drainage system which connects to a public sewer.

- (e) When an existing sheet metal water leader pipe within the walls of a building becomes defective, such water leader shall be replaced with one which conforms to this Code.
- (f) All underground roof and area rainwater drainage piping within the walls of a building shall be cast iron pipe and fittings and all such piping above ground shall be cast iron pipe and fittings or galvanized wrought iron or steel pipe with drainage fittings or approved standards.
- (g) Except the feeding of rainwater leader traps as herein required, no water leader or other rainwater piping shall be used as a soil, waste or vent pipe nor shall any soil, waste or vent pipe be used as a rainwater leader.
- (h) Rainwater leaders connecting to the storm water drainage system shall be effectively trapped if such water leader opening is within twelve (12) inches of a side or rear property line which does not abut on a public street or alley, or if such rainwater leader opening is within twelve (12) feet of any door or window or other source of ventilation or fresh air supply to any building. All water leaders may be served by one (1) master trap or each leader may be trapped separately. All water leader traps shall have their seals maintained by an automatic priming device, designed and installed for that purpose. When a rainwater drainage system is served by one (1) trap, such trap shall be provided with a fresh air inlet, not less than four (4) inches in diameter, which shall lead to the outer air and be provided with an approved cowl or grating so installed as to prevent the entrance of soil, stones or other objectionable materials.
- (i) All roof boxes connected to concealed rainwater leaders (if made of light metal) shall be made by means of a lead stub and caulking ferrule which shall be firmly caulked with lead and oakum into said rainwater leader and the other end of lead stub to be firmly soldered to roof box. Cast iron roof drains may be screwed or caulked to their respective rainwater leaders.
- (j) Rainwater from paved or unpaved areas shall not drain into the sanitary sewer system but may drain to the storm water drainage system. All such rainwater shall drain to a sump constructed of concrete with bottom and walls not less than four (4) inches in thickness. All sumps shall be provided with a trap formed by turning down the outlet pipe with a forty-five (45) degree bend so as to maintain a water seal of not less than twelve (12) inches. No part of such seal shall protrude inside the sump. All sumps shall be not less than eighteen (18) inches wide and eighteen (18) inches long and two (2) feet deep and be provided with suitable grates that may be removed for cleaning purposes.

SEC. 9-2.16. TEMPORARY USE OF GAS.

That Section 1210 of said Plumbing Code be amended to read as follows:

Section 1210. A structure or building shall pass final inspection as per Section 305(e) of the Building Code prior to connection of the gas service by the gas supplier. Temporary gas connection to the gas source for a period not to exceed ninety (90) days may be granted prior to the final inspection if in the opinion of the Building Official, the gas distributing line pipes and fittings are safe. If after ninety (90) days the structure or building has not passed final inspection, the Building Official shall have the authority to request the gas supplier to discontinue the service.

SECTION 2. AMENDMENT OF CODE. Section 9-2.13 is hereby added to Chapter 2 of Title IX of the Modesto Municipal Code to read as follows:

SEC. 9-2.13. TELEPHONE PERMIT PROCEDURE.

That Section 20.16 be added to said Plumbing Code to read as follows:

Section 20.16. The Building Official is hereby authorized to establish a system for the issuance of routine permits upon telephonic request and to issue such directives and regulations as are deemed necessary to govern the operation and administration of such a system. Said directives and regulations shall have the force and effect of law and a violation thereof shall constitute a violation of this Code. Such a system may provide for the payment of permit fees on permits issued by telephone on an accounts receivable basis.

SECTION 3. REPEALS. Section 9-2.17 of Chapter 2 of Title IX of the Modesto Municipal Code is hereby repealed.

SECTION 4. FINDING AND DECLARATION. As required by the Health and Safety Code of the State of California, the Council of the City of Modesto finds and declares that the foregoing additions, modifications and changes to the regulations adopted pursuant to said Health and Safety Code are reasonably necessary because of local conditions in that they adopt the 1988 Edition of the Uniform Plumbing Code in lieu of the 1982 Edition, prescribe local fee schedules, prescribe local procedures to be used in the administration and

enforcement of said Code, provide for local interpretations of said Code, make other changes in said Code consistent with local custom and practice as reflected in the prior local plumbing code, and other changes due to local climatic and geographic conditions.

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. SAVINGS. The provisions of this ordinance shall not affect any proceedings, suit or prosecution heretofore or hereafter commenced under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance shall be discharged or affected by the adoption of this ordinance; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted or proceeded with in all respects as if this ordinance had not been adopted.

SECTION 7. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of October, 1989, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

APPROVED:


CAROL G. WHITESIDE, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2686-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 October, 1989, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED



MAYOR CAROL G. WHITESIDE

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 23, 1989

Clerk

Corrected 1/9/90

ORDINANCE NO. 2687 -C.S.

AN ORDINANCE AMENDING SECTIONS 3-1.101, 3-1.104, 3-1.107, 3-1.113, 3-1.114, 3-1.115, 3-1.122, 3-1.123, 3-1.124, AND 3-1.125 OF ARTICLE 1 OF CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE; ADDING SECTIONS 3-1.107.1, 3-1.114.1, AND 3-1.126 THERETO; AND REPEALING SECTIONS 3-1.102, 3-1.103, 3-1.105, 3-1.106, 3-1.110, 3-1.111, 3-1.116, AND 3-1.121 THEREOF RELATING TO FIRE CODE AND FIRE DISTRICTS.

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

SECTION 1. AMENDMENT OF CODE. Sections 3-1.101, 3-1.104, 3-1.107, 3-1.113, 3-1.114, 3-1.115, 3-1.122, 3-1.123, 3-1.124, and 3-1.125 of Article 1 of Chapter 1 of Title III of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 3-1.101. ADOPTION BY REFERENCE OF "UNIFORM FIRE CODE."

That certain document, three (3) copies of which are on file in the Office of the City Clerk of the City of Modesto, being marked and designated as "Uniform Fire Code, 1988 Edition," together with appendices I, II, III, IV, V, and VI thereto, as compiled and published by the International Conference of Building Officials and the Western Fire Chiefs' Association, which Code prescribes regulations governing conditions hazardous to life and property from fire and explosion, as hereinafter amended, deleted and added to, be and the same is hereby adopted by reference as the Fire Code of the City of Modesto.

SEC. 3.1.104. BOARD OF APPEALS.

That Section 2.303 of said Fire Code is hereby deleted.

SEC. 3-1.107. AUTOMATIC SPRINKLER SYSTEMS.

That Section 10.306 of said Fire Code be amended to read as follows:

Section (i) is hereby added to Section 10.306 of said Fire Code to read as follows:

(i) New Construction.

1. The installation of an approved automatic sprinkler system shall be required in all buildings and

structures, hereafter constructed, notwithstanding the use and occupancy thereof, where:

- A. The total floor area under one roof exceeds five thousand (5,000) square feet, except for:
 - i. Dwellings four (4) units or less.
 - ii. Dwellings of the R-3 occupancy group.
 - iii. Buildings of occupancy groups A, B, E, H Division 5, M, and R-1 that are separated by an area separation wall of not less than two-hour fire resistive construction as defined by Section 505 (e) of the Building Code.
- B. The building or structure is four (4) or more stories or exceeds fifty (50) feet in height as in Section 409 of the Building Code.
- C. Additions, alterations, or repairs within any twelve-month period exceed fifty (50) percent of the value of an existing building or structure or which result in said building or structure exceeding five thousand (5,000) square feet.

SEC. 3-1.113. MANUFACTURE, SALE AND DISCHARGE.

That Section 78.102 of said Fire Code be amended to read as follows:
Section 78.102.

- (a) The manufacture of fireworks within the City of Modesto is prohibited.
- (b) The storage and sale of fireworks within the City of Modesto is limited to State Fire Marshal approved and labeled fireworks by State licensed wholesalers and retailers. The sale and use of all fireworks within the City of Modesto shall comply with the Rules and Regulations of the State Fire Marshal and Rules and Regulations of the Chief. A permit shall be required for the storage and sale of fireworks. Storage of fireworks within the City of Modesto is limited to the period commencing June 1 and ending July 31 of each year, and shall comply with rules and regulations of the Chief. The Chief shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair association, amusement parks, other organizations or for the use of fireworks by artisans in pursuit of their

trade. Every such use or display shall be handled by a competent operator approved by the Chief, and shall be of such character and so located, discharged or fired as in the opinion of the Chief after proper investigation, so as not to be hazardous to property or endanger any person.

- (c) Applications for permits shall be made in writing to the Chief at least ten (10) days in advance of the date of the display. After such privilege shall be granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

SEC. 3-1.114. OPERATING HEATING, LIGHTING AND COOKING APPLIANCES PROHIBITED.

That Section 79.110 of said Fire Code be amended to read as follows:

Section 79.110.

A person shall not use within a building or structure any heating, lighting or cooking appliance which uses flammable or combustible liquids.

SEC. 3-1.115. RESTRICTED LOCATIONS OF ABOVEGROUND TANKS.

That Section 79.501 of said Fire Code be amended to read as follows:

Section 79.501.

The storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited with the exception of concrete-vaulted tanks of 1100 gallon or less capacity. Total storage shall be limited to a maximum of two tanks located on the same premises and under the same management. The tanks must be separated by a minimum 20-foot clear space.

SEC. 3-1.122. LOCATION OF CONTAINERS.

That subsection (e) be added to Section 82.104 of said Fire Code to read as follows:

- (e) The storage of liquefied petroleum gases is restricted to those areas of the City zoned C-M, Commercial-Industrial Zone, and M-1, Light Industrial Zone, and M-2, Heavy Industrial Zone, and in addition thereto, to properties used as Automotive Service Stations located in areas of the City zoned C-2, General Commercial Zone, and H-1, Highway Frontage Zone. The aggregate capacity of any one (1) installation shall not exceed two thousand (2,000) gallons water capacity; except that in particular installations this capacity limit may be altered at the

discretion of the Chief, after consideration of special features such as topographical conditions, nature of occupancy and proximity of buildings, capacity of proposed tanks, degree of private fire protection to be provided and facilities of the local Fire Department. The storage of liquefied petroleum gas shall conform to the provisions of the local zoning ordinances.

SEC. 3-1.123. PROHIBITED USE OF LIQUEFIED PETROLEUM GAS.

That Section 82.105 of the Fire Code be amended to read as follows:

Section 82.105. Prohibited Use of Liquefied Petroleum Gas.

- (a) Liquefied petroleum gas shall not be used for the purpose of operating any devices or equipment unless such equipment or device is approved for use with a liquefied petroleum gas.
- (b) Liquefied petroleum gas shall not be released to the atmosphere except through an approved liquid level gauge or other approved device.
- (c) The use of stoves and other similar fuel-burning appliances using liquefied petroleum gas for cooking, lighting or heating is prohibited inside of a building in the City of Modesto except as permitted in subsection (d) of this section.
- (d) The storage and use of liquefied petroleum gas may be permitted by the Chief on construction sites and residential property when the prohibition of such storage would cause an undue hardship. When permitted, the total aggregate storage of liquefied petroleum gases on any one (1) property shall not exceed two hundred fifty (250) gallons. The use of liquefied petroleum gases when permitted shall be limited to approved devices used for cooking and heating.

SEC. 3-1.124. TYPE OF LOCK OR LATCH.

That subsection (f) be added to Section 12.104 of said Fire Code to read as follows:

- (f) Special Latching Devices. An exit door for a business which has as its primary commercial activity the sale, resale, exchange or trade of gold or silver coin, bullion or metal ore may be provided with a locking mechanism which is not openable from the inside without the use of a key or which requires special knowledge or effort so long as each of the following conditions are met during all times that the business is open to the public:

- a. The locking mechanism must be connected to a smoke detector system in such a manner that activation or malfunction of the smoke detector system results in automatically unlocking the exit door;
- b. The locking mechanism must be connected to the electrical power supply for the building in such a manner that any loss of electrical power to the building results in automatically unlocking the exit door;
- c. Two (2) employees must be within the area of the premises used for retail purposes, including adjacent service and utility rooms, at all times;
- d. A sign shall be placed upon the premises so as to be readily seen by any person or persons entering the business stating that ingress and egress is electronically controlled by the management.

SEC. 3-1.125. GENERAL REQUIREMENTS.

That subsection (f) be added to Section 80.104 to read as follows:

- (f) The parking and garaging of transportation vehicles carrying hazardous materials as defined in Section 80.202 shall be in accordance with Section 79.1206 of this Code.

SECTION 2. AMENDMENT OF CODE. Sections 3-1.107.1, 3-1.114.1, and 3-1.126 are hereby added to Article 1 of Chapter 1 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-1.107.1. FUELING AND DEFUELING.

That subsection (c) of Section 24.203 be amended to read as follows:

- (c) Transfer Personnel. During fuel transfer operations of any passenger-occupied aircraft, a qualified person shall be in control of each transfer nozzle and another qualified person shall be in immediate control of the fuel-pumping equipment to shut off or otherwise control the flow of fuel from the time fueling operations are begun until they are completed.

EXCEPTION: For underwing refueling, the person stationed at the point of fuel intake is not required.

SEC. 3-1.114.1. CONTAINER AND TANK STORAGE NEAR BUILDINGS ON THE SAME PROPERTY.

That Section 79.404 of said Fire Code be amended to read as follows:

Section 79.404.

A maximum of 1100 gallons of liquids in closed containers, and concrete vaulted steel tanks may be stored adjacent to a building located on the same premises and under the same management, provided that:

- (a) The building does not exceed one story in height. Such building shall be of fire-resistive construction with noncombustible exterior surfaces or noncombustible construction and must be devoted principally to the storage of liquids, or
- (b) The exterior building wall adjacent to the storage area shall have a fire-resistance rating of not less than two hours, having no opening to above-grade areas within 10 feet horizontally of such storage and no openings to below-grade areas within 50 feet horizontally of such storage.

The quantity of liquids stored adjacent to a building protected in accordance with Item No. b above may exceed 1100 gallons, provided the maximum quantity per pile does not exceed 1100 gallons and each pile is separated by a 20-foot minimum clear space along the common wall.

Where the quantity stored exceeds the 1100 gallons permitted adjacent to the building given in Item No. a above, or the provisions of Item No. b cannot be met, a minimum distance in accordance with e column for distance to property line that can be built upon in Table No. 79.403 shall be maintained between buildings and nearest container or tank.

SEC. 3-1.126. PERMIT FEE.

The Council of the City of Modesto may, by resolution adopted from time to time, fix a fee for any permit issued pursuant to the Fire Code.

SECTION 3. REPEALS. Sections 3-1.102, 3-1.103, 3-1.105, 3-1.106, 3-1.110, 3-1.111, 3-1.116, and 3-1.121 of Article 1 of Chapter 1 of Title III of the Modesto Municipal Code are hereby repealed.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of October, 1989, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Ord. No. 2687-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 October, 1989, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Carol G. Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 23, 1989

W.P.

ORDINANCE NO. 2687 -C.S.

AN ORDINANCE AMENDING SECTIONS 3-1.101, 3-1.104, 3-1.107, 3-1.113, 3-1.114, 3-1.122, 3-1.123, 3-1.124, AND 3-1.125 OF ARTICLE 1 OF CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE; ADDING SECTIONS 3-1.107.1 AND 3-1.126 THERETO; AND REPEALING SECTIONS 3-1.102, 3-1.103, 3-1.105, 3-1.106, 3-1.110, 3-1.111, 3-1.116, AND 3-1.121 THEREOF RELATING TO FIRE CODE AND FIRE DISTRICTS.

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

SECTION 1. AMENDMENT OF CODE. Sections 3-1.101, 3-1.104, 3-1.107, 3-1.113, 3-1.114, 3-1.122, 3-1.123, 3-1.124, and 3-1.125 of Article 1 of Chapter 1 of Title III of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 3-1.101. ADOPTION BY REFERENCE OF "UNIFORM FIRE CODE."

That certain document, three (3) copies of which are on file in the Office of the City Clerk of the City of Modesto, being marked and designated as "Uniform Fire Code, 1988 Edition," together with appendices I, II, III, IV, V, and VI thereto, as compiled and published by the International Conference of Building Officials and the Western Fire Chiefs' Association, which Code prescribes regulations governing conditions hazardous to life and property from fire and explosion, as hereinafter amended, deleted and added to, be and the same is hereby adopted by reference as the Fire Code of the City of Modesto.

SEC. 3.1.104. BOARD OF APPEALS.

Section 2.303 of said Fire Code is hereby deleted.

SEC. 3-1.107. AUTOMATIC SPRINKLER SYSTEMS.

Section 10.306 of said Fire Code is amended to read as follows:

Section (i) is hereby added to Section 10.306 of said Fire Code to read as follows:

(i) New Construction.

1. The installation of an approved automatic sprinkler system shall be required in all buildings and structures, hereafter constructed, notwithstanding the use and occupancy thereof, where:

- A. The total floor area under one roof exceeds five thousand (5,000) square feet, except for:
 - i. Dwellings four (4) units or less.
 - ii. Dwellings of the R-3 occupancy group.
 - iii. Buildings of occupancy groups A, B, E, H Division 5, M, and R-1 that are separated by an area separation wall of not less than two-hour fire resistive construction as defined by Section 505 (e) of the Building Code.
- B. The building or structure is four (4) or more stories or exceeds fifty (50) feet in height as in Section 409 of the Building Code.
- C. Additions, alterations, or repairs within any twelve-month period exceed fifty (50) percent of the value of an existing building or structure or which result in said building or structure exceeding five thousand (5,000) square feet.

SEC. 3-1.113. MANUFACTURE, SALE AND DISCHARGE.

Section 78.102 of said Fire Code is amended to read as follows:

Section 78.102.

- (a) The manufacture of fireworks within the City of Modesto is prohibited.
- (b) The storage and sale of fireworks within the City of Modesto is limited to State Fire Marshal approved and labeled fireworks by State licensed wholesalers and retailers. The sale and use of all fireworks within the City of Modesto shall comply with the Rules and Regulations of the State Fire Marshal and Rules and Regulations of the Chief. A permit shall be required for the storage and sale of fireworks. Storage of fireworks within the City of Modesto is limited to the period commencing June 1 and ending July 31 of each year, and shall comply with rules and regulations of the Chief. The Chief shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair association, amusement parks, other organizations or for the use of fireworks by artisans in pursuit of their trade. Every such use or display shall be handled by a

competent operator approved by the Chief, and shall be of such character and so located, discharged or fired as in the opinion of the Chief after proper investigation, so as not to be hazardous to property or endanger any person.

- (c) Applications for permits shall be made in writing to the Chief at least ten (10) days in advance of the date of the display. After such privilege shall be granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

SEC. 3-1.114. OPERATING HEATING, LIGHTING AND COOKING APPLIANCES PROHIBITED.

Section 79.110 of said Fire Code is amended to read as follows:

Section 79.110.

A person shall not use within a building or structure any heating, lighting or cooking appliance which uses flammable or combustible liquids.

Container and Tank Storage Near Buildings on the Same Property

Section 79.404 of said Fire Code is amended to read as follows:

Section 79.404.

A maximum of 1100 gallons of liquids in closed containers, and concrete vaulted steel tanks may be stored adjacent to a building located on the same premises and under the same management, provided that:

- (a) The building does not exceed one story in height. Such building shall be of fire-resistive construction with noncombustible exterior surfaces or noncombustible construction and must be devoted principally to the storage of liquids, or
- (b) The exterior building wall adjacent to the storage area shall have a fire-resistance rating of not less than two hours, having no opening to above-grade areas within 10 feet horizontally of such storage and no openings to below-grade areas within 50 feet horizontally of such storage.

The quantity of liquids stored adjacent to a building protected in accordance with Item No. b above may exceed 1100 gallons, provided the maximum quantity per pile does not exceed 1100

gallons and each pile is separated by a 20-foot minimum clear space along the common wall.

Where the quantity stored exceeds the 1100 gallons permitted adjacent to the building given in Item No. a above, or the provisions of Item No. b cannot be met, a minimum distance in accordance with e column for distance to property line that can be built upon in Table No. 79.403 shall be maintained between buildings and nearest container or tank.

Restricted Locations

Section 79.501 of said Fire Code is amended to read as follows:

Section 79.501.

The storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited with the exception of concrete-vaulted tanks of 1100 gallon or less capacity. Total storage shall be limited to a maximum of two tanks located on the same premises and under the same management. The tanks must be separated by a minimum 20-foot clear space.

SEC. 3-1.122. LOCATION OF CONTAINERS.

Subsection (e) is added to Section 82.104 of said Fire Code to read as follows:

- (e) The storage of liquefied petroleum gases is restricted to those areas of the City zoned C-M, Commercial-Industrial Zone, and M-1, Light Industrial Zone, and M-2, Heavy Industrial Zone, and in addition thereto, to properties used as Automotive Service Stations located in areas of the City zoned C-2, General Commercial Zone, and H-1, Highway Frontage Zone. The aggregate capacity of any one (1) installation shall not exceed two thousand (2,000) gallons water capacity; except that in particular installations this capacity limit may be altered at the discretion of the Chief, after consideration of special features such as topographical conditions, nature of occupancy and proximity of buildings, capacity of proposed tanks, degree of private fire protection to be provided and facilities of the local Fire Department. The storage of liquefied petroleum gas shall conform to the provisions of the local zoning ordinances.

SEC. 3-1.123. PROHIBITED USE OF LIQUEFIED PETROLEUM GAS.

Section 82.105 of the Fire Code is amended to read as follows:

Section 82.105. Prohibited Use of Liquefied Petroleum Gas.

- (a) Liquefied petroleum gas shall not be used for the purpose of operating any devices or equipment unless such equipment or device is approved for use with a liquefied petroleum gas.
- (b) Liquefied petroleum gas shall not be released to the atmosphere except through an approved liquid level gauge or other approved device.
- (c) The use of stoves and other similar fuel-burning appliances using liquefied petroleum gas for cooking, lighting or heating is prohibited inside of a building in the City of Modesto except as permitted in subsection (d) of this section.
- (d) The storage and use of liquefied petroleum gas may be permitted by the Chief on construction sites and residential property when the prohibition of such storage would cause an undue hardship. When permitted, the total aggregate storage of liquefied petroleum gases on any one (1) property shall not exceed two hundred fifty (250) gallons. The use of liquefied petroleum gases when permitted shall be limited to approved devices used for cooking and heating.

SEC. 3-1.124. TYPE OF LOCK OR LATCH.

Subsection (f) is added to Section 12.104 of said Fire Code to read as follows:

- (f) Special Latching Devices. An exit door for a business which has as its primary commercial activity the sale, resale, exchange or trade of gold or silver coin, bullion or metal ore may be provided with a locking mechanism which is not openable from the inside without the use of a key or which requires special knowledge or effort so long as each of the following conditions are met during all times that the business is open to the public:
 - a. The locking mechanism must be connected to a smoke detector system in such a manner that activation or malfunction of the smoke detector system results in automatically unlocking the exit door;
 - b. The locking mechanism must be connected to the electrical power supply for the building in such a manner that any loss of electrical power to the building results in automatically unlocking the exit door;

- c. Two (2) employees must be within the area of the premises used for retail purposes, including adjacent service and utility rooms, at all times;
- d. A sign shall be placed upon the premises so as to be readily seen by any person or persons entering the business stating that ingress and egress is electronically controlled by the management.

SEC. 3-1.125. GENERAL REQUIREMENTS.

Subsection (f) is added to Section 80.104 to read as follows:

- (f) The parking and garaging of transportation vehicles carrying hazardous materials as defined in Section 80.202 shall be in accordance with Section 79.1206 of this Code.

SECTION 2. AMENDMENT OF CODE. Sections 3-1.107.1 and 3-1.126 of Article 1 of Chapter 1 of Title III of the Modesto Municipal Code are hereby added to read as follows:

SEC. 3-1.107.1. FUELING AND DEFUELING.

Subsection (c) of Section 24.203 is amended to read as follows:

- (c) Transfer Personnel. During fuel transfer operations of any passenger-occupied aircraft, a qualified person shall be in control of each transfer nozzle and another qualified person shall be in immediate control of the fuel-pumping equipment to shut off or otherwise control the flow of fuel from the time fueling operations are begun until they are completed.

EXCEPTION: For underwing refueling, the person stationed at the point of fuel intake is not required.

SEC. 3-1.126. PERMIT FEE.

The Council of the City of Modesto may, by resolution adopted from time to time, fix a fee for any permit issued pursuant to the Fire Code.

SECTION 3. REPEALS. Sections 3-1.102, 3-1.103, 3-1.105, 3-1.106, 3-1.110, 3-1.111, 3-1.116, and 3-1.121 of Article 1 of Chapter 1 of Title III of the Modesto Municipal Code are hereby repealed.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of October, 1989, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

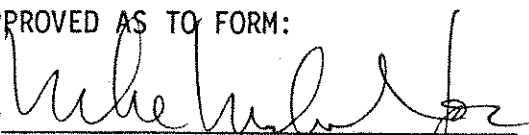
APPROVED: _____
CAROL G. WHITESIDE, Mayor

ATTEST:

By _____
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

ORDINANCE NO. 2688 -C.S.

AN ORDINANCE AMENDING SECTIONS 9-3.101, 9-3.112 AND 9-3.117 OF CHAPTER 3 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE NATIONAL ELECTRICAL CODE.

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

SECTION 1. AMENDMENT OF CODE. Sections 9-3.101, 9-3.112 and 9-3.117 of Chapter 3 of Title IX of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 9-3.101. ADOPTION BY REFERENCE OF "NATIONAL ELECTRICAL CODE".

That certain document, three (3) copies of which are on file in the office of the City Clerk, being marked and designated as "National Electrical Code 1987 Edition", published by the National Fire Protection Association, which said Code provides for the protection of the public health and safety, provides for the design, construction, installation, alteration, and repair of electrical work, as hereinafter amended, deleted and added to, be and the same is hereby adopted by reference as the Electrical Code of the City of Modesto.

SEC. 9-3.112. COST OF PERMIT.

That Article 90.16 be added to said Electrical Code to read as follows:

Article 90.16. Every applicant for a permit to do work regulated by this Code shall state in writing on the application form provided for that purpose the character of work proposed to be done and the amount and kind in connection therewith, together with such information, pertinent thereto as may be required.

Such applicant shall pay for each permit issued at the time of issuance a fee in accordance with a schedule established by the Modesto City Council, which may be set or amended from time to time by City Council resolution.

Any person, who shall commence any work for which a permit is required by this Code without first having obtained a permit therefor shall, if subsequently permitted to obtain a permit, pay double the permit fee fixed by this section for such work; provided, however, that this provision shall not apply to emergency work when it shall be provided to the satisfaction of the Building Official that such work was urgently necessary and that it was not practical to obtain a permit therefor before the commencement of the work. In

all such cases a permit must be obtained as soon as it is practical to do so; and if there be an unreasonable delay in obtaining such permit, a double fee as herein provided shall be charged.

No permit fees shall be required for the issuance of electrical permits to governmental agencies; however, governmental agencies which obtain permits may be charged inspection fees to defray the actual cost of inspection services.

SEC. 9-3.117. SPECIFIC REQUIREMENTS.

That Article 90.21 be added to said Electrical Code to read as follows:

Article 90.21.

- (a) All installations, materials, devices, appliances, apparatus and equipment installed or used shall be in conformity with the provisions of this Code and with approved standards for safety of life and property.
- (b) Listing or labeling, as conforming to the Standards of the Underwriters' Laboratories, Inc., the National Bureau of Standards, the United States Bureau of Mines, or other nationally recognized laboratories shall be prima facie evidence of conformity with the approved standards for safety to life and property.
- (c) Previously used material shall be relisted or labeled as per item (b) above and shall not be reused in any work without the written approval obtained in advance from the Building Official.
- (d) The maker's name, trademark or other identification symbol shall be placed on all electrical materials, signs, devices, appliances and equipment used or installed under the provisions of this Code.
- (e) Not more than ten (10) outlets shall be permitted on any residential lighting circuit on No. 14 AWG wire and not more than thirteen (13) outlets on any residential lighting circuit on No. 12 AWG wire.
- (f) Where the service conduit is extended to furnish a support for the service drop wires, only rigid metal conduit of not less than one and one-fourth (1-1/4) inch trade size may be used and shall not extend more than thirty (30) inches beyond the last support.

- g) Substandard service equipment shall be brought up to standard on any and all remodeling jobs or in any case where additional wiring is installed.
- (h) Electrical metallic tubing shall not be used in the ground floor slab or in any location where it would be in contact with the ground. All sizes of electrical metallic tubing shall have insulating liners, insulating bushings, or approved connectors.
- (i) Automatic dishwashers, refrigerated coolers or any fixed motors rated over one-third hp or any fixed appliance or device rated over one thousand (1,000) watts shall be installed on a separate circuit with not less than No. 12 AWG wire.
- (j) Residential electrical ranges shall be wired with not less than No. 8 AWG copper or No. 6 AWG aluminum wire. Built-in cooking tops and ovens may have a smaller circuit run separately to each and shall not be smaller than No. 10 AWG copper.
- (k) Type NM and NMC nonmetallic sheath cable shall not be used in A, B, E, H, and I occupancies. Occupancies are defined in the Building Code. Exception: Type NM and NMC nonmetallic sheath cable, and be used when R-3 occupancies are converted to E-3 day care occupancies with less than 20 children.
- (l) In A, B, E, H, and I occupancies, a maximum of four (4) convenience outlets per circuit for No. 14 AWG wire and a maximum of six (6) convenience outlets per circuit for No. 12 AWG wire is allowed.
- (m) Aluminum wiring shall not be used except as follows: Stranded aluminum wiring shall be allowed in No. 8 or larger sizes only.
- (n) Electrical, telephone, communication and data system wiring penetrations of fire-resistive separations:
 - (1) For penetrations of one-hour walls, the following is required: A length of EMT extends through the wall for a distance of at least thirty (30) inches from each face of the wall. The ends of the EMT are to be securely fastened. The ends of the EMT shall terminate in approved connectors, and the EMT must be of a size permitted by the National Electrical Code. Ends are to be packed with rock wool or equal. Where the EMT penetrates gypsum wallboard, the void between the EMT and the wallboard must be solidly packed on both sides with wallboard compound to the thickness of the wallboard.
 - (2) For penetrations of two-hour walls, the following is required: Same as (n)(1) except EMT extends sixty (60) inches from each face of the wall.

- (o) Nonmetallic sheath cable shall be protected to eight (8) feet, zero (0) inches above the floor with half-inch gypsum board covering two (2) studs minimum or equal. Board runners to be run the entire length of all nonmetallic sheath cable in exposed garage areas above eight (8) feet.
- (p) Residential occupancies as used in this Code means any R occupancy as defined in the Building Code.
- (q) Dishwasher shall be cord connected.
- (r) A concrete encased grounding electrode conductor shall be required in industrial, commercial and residential occupancies. This shall be limited to new construction only. Service changes in existing occupancies shall comply with other applicable code sections.

SECTION 2. FINDING AND DECLARATION. As required by the Health and Safety Code of the State of California, the Council of the City of Modesto finds and declares that the foregoing additions, modifications and changes to the regulations adopted pursuant to said Health and Safety Code are reasonably necessary because of local conditions in that they adopt the 1987 Edition of the National Electrical Code in lieu of the 1981 Edition, prescribe local fee schedules, prescribe local procedures to be used in the administration and enforcement of said Code, provide for local interpretations of said Code, make other changes in said Code consistent with local custom and practice as reflected in the prior local electrical code, and other changes due to local climatic and geographic conditions.

SECTION 3. SAVINGS. The provisions of this ordinance shall not affect any proceedings, suit or prosecution heretofore or hereafter commenced under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred under the provisions of the Municipal Code as they existed prior to the effective date

of this ordinance shall be discharged or affected by the adoption of this ordinance; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted or proceeded with in all respects as if this ordinance had not been adopted.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of October, 1989, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Ord. No. 2688-C.S.

FINAL ADOPTION CLAUSE

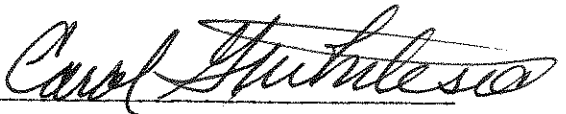
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of October, 1989, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

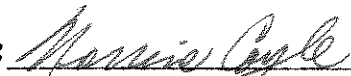
ABSENT: Councilmembers: None

APPROVED



MAYOR CAROL G. WHITESIDE

ATTEST:



NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 23, 1989

ORDINANCE NO. 2689 -C.S.

AN ORDINANCE AMENDING SECTION MAP 13-3-8 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(466), PROPERTY LOCATED ON THE SOUTHEAST CORNER OF RUMBLE ROAD AND LOU ANN DRIVE (RIDGE SUTTER - SUTCO CONSTRUCTION).

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

SECTION 1. ZONING CHANGE. Section 13-3-8 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(466):

All that certain real property situate in a portion of the Southwest quarter of Section 12 and the Northwest quarter of Section 13, 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:

Parcel "C" as shown on that certain parcel map filed in the office of the Recorder of Stanislaus County, California, on April 25, 1975, in Volume 21 of Parcel Map, Page 16. Including the Northwestern 30.00 feet of 60.00 foot Brenner Way, Northeastern 30.00 feet of 60.00 foot wide Lou Ann Drive, and the South 30.00 feet of 60.00 foot wide West Rumble Road and all immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(466) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. One- and-two-story townhouse condominium project
2. Off-street parking as shown on the approved plan.

SECTION 3. ZONING MAP. Section Map 13-3-8 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7 day of November, 1989, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

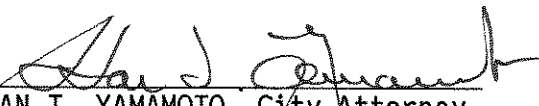
APPROVED: 
CAROL G. WHITESIDE, Mayor

ATTEST:

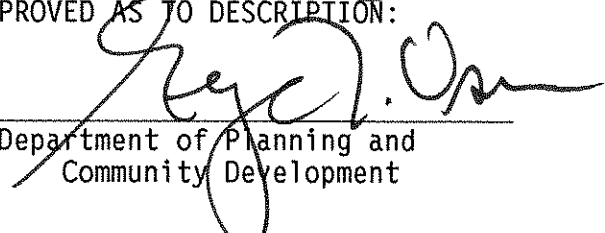
By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and
Community Development

Ord. No. 2689-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 14th day of November, 19 89, 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: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Carol G. Whiteside

MAYOR CAROL G. WHITESIDE

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 30, 1989

ORDINANCE NO. 2690 -C.S.

AN ORDINANCE AMENDING SECTION MAP 23-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (UNITED HOMES, INC.)

WHEREAS, a verified application for an amendment to Section 23-3-9 of the Zoning Map was filed by United Homes, Inc. on July 20, 1989, to reclassify from Low-Density Residential Zone, R-1, and Medium-Density Residential Zone, R-2, to Professional Office Zone, P-0, property located on the north side of Scenic Drive, east of Oakdale Road described as follows:

R-1 to P-0

All that certain real property situate in a portion of the southwest quarter of Section 23, 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 most southwestern corner of Parcel B as shown on that certain Parcel Map filed July 31, 1978, in Volume 27 of Parcel Maps at page 74, Stanislaus County Records; thence south 0°11'42" west 204.04 feet to the north line of 50.00 foot wide Scenic Drive; thence along said north line on a curve concave to the southwest having a radius of 979.92 feet, 82.00 feet more less; thence leaving said north line and along a property line bearing north 0°55'14" west 231.00 feet more less; thence north 85°10'04" west 82.20 feet to the west line of aforementioned Parcel B; thence along said west line, south 0°11'42" west 17.00 feet to the point of beginning.

Including all of the north 25.00 feet of Scenic Drive located immediately adjacent to the above described property.

R-2 to P-0

All that certain real property situate in a portion of the southwest quarter of Section 23, 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:

All of Parcel A as shown on that certain parcel map filed July 31, 1978, in Volume 27 of Parcel Maps, Page 74, Stanislaus County Records.

Including all of the north 40.00 feet of Scenic Drive located immediately adjacent to said parcel A.

and

WHEREAS, after a public hearing held on September 18, 1989, it was found and determined by the Planning Commission that rezoning of the property as requested is not required by public necessity, convenience and general welfare for the following reasons:

1. That the piecemeal rezoning of individual parcels for office uses will contribute to inefficient onsite traffic circulation and an excessive number of curbcuts.
2. A comprehensive P-0 or P-D rezoning of the immediate five parcel area would tend to ensure an efficient workable development relationship.
3. Lacking a comprehensive zoning application for office uses, R-2 zoning of the applicant's property is appropriate and in keeping with the East Orangeburg Zoning and Development Policy.

and

WHEREAS, after public hearing held on September 18, 1989, the Planning Commission denied the application of United Homes, Inc. to amend Section 23-3-9 of the Zoning Map to reclassify the property hereinafter described from Low-Density Residential Zone, R-1, and Medium-Density Residential Zone, R-2, to Professional Office Zone, P-0, for the reasons set forth in Planning Commission Resolution No. 89-119, and

WHEREAS, by Resolution No. 89-119, adopted on September 18, 1989, the Planning Commission recommended to the Council that the application of United Homes, Inc. to amend Section 23-3-9 of the Zoning Map be modified to reclassify only the Low-Density Residential Zone, R-1, property, described above, to 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 November 7, 1989, 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. That the rezoning to R-2 is consistent with the Modesto General Plan and adopted East Orangeburg Neighborhood zoning and development policy.
2. That the rezoning will yield similar density to the residential uses to the south.
3. That this rezoning will not adversely affect surrounding properties.

SECTION 2. ZONING CHANGE. Section 23-3-9 of the Zoning Map is hereby amended to reclassify only the R-1 zoned property described above from Low-Density Residential Zone, R-1, to Medium-Density Residential Zone, R-2.

SECTION 3. 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 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and

the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7 day of November, 1989, by Councilmember McGrath, 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: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By William J. Smith
Department of Planning and Community
Development

Ord. No. 2690-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 14th day of November, 19 89, 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: Bird, Irizarry, Lang, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED


MAYOR CAROL G. WHITESIDE

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 30, 1989

ORDINANCE NO. 2691 -C.S.

AN ORDINANCE AMENDING SECTION 3-2.1401.1 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.1401.1 of Article 14 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.1401.1. CHANGE IN SPEED LIMITS SET BY STATE LAW: FOR PURPOSE OF ENFORCEMENT USING RADAR OR OTHER ELECTRONIC DEVICE.

By authority of, and upon the basis of engineering and traffic surveys conducted pursuant to Vehicle Code and the Traffic Manual of the Department of Transportation, it is determined that the prima facie speed limits which follow would facilitate the orderly movement of vehicular traffic and would be reasonable and safe.

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>	<u>DATE SURVEYED</u>
BLUE GUM AVENUE, between Poust and Carpenter Roads	35 miles per hour	August 31, 1989
BOWEN AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	June 2, 1987
BRIGGSMORE AVENUE, between Prescott Road and Tully Road	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, (east and westbound) between Tully Road and McHenry Avenue	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, (westbound) between Coffee Road and McHenry Avenue	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, (eastbound) between McHenry Avenue and 1,000 feet west of Coffee Road	40 miles per hour	June 2, 1987
BRIGGSMORE AVENUE, (eastbound), between a point 1,000 feet west of Coffee Road and Coffee Road	40 miles per hour	October 20, 1988

BRIGGSMORE AVENUE, between Coffee Road and Rose Avenue	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, between Rose Avenue and Oakdale Road	45 miles per hour	October 20, 1988
BRIGGSMORE AVENUE, between Oakdale Road and Claus Road	45 miles per hour	October 20, 1988
BRIGHTON AVENUE, between Coffee Road and Locke Road	30 miles per hour	March 2, 1988
CALIFORNIA AVENUE, between Carpenter Road and N. Martin Luther King Drive within the City limits	35 miles per hour	February 24, 1987
CARPENTER ROAD, between Blue Gum Avenue and Woodland Avenue within the City limits	45 miles per hour	November 2, 1988
CARPENTER ROAD, between Woodland Avenue and Maze Boulevard within the City limits	40 miles per hour	March 14, 1989
CARPENTER ROAD, between Maze Boulevard and Paradise Road within the City limits	45 miles per hour	October 26, 1988
CARVER ROAD, between M.I.D. Lateral No. 6 and Brixton Lane within the City limits	40 miles per hour	March 27, 1986
CARVER ROAD, between Brixton Lane and Briggsmore Avenue	35 miles per hour	May 26, 1987
CARVER ROAD, between Briggsmore Avenue and Orangeburg Avenue	30 miles per hour	May 8, 1987
CARVER ROAD, between Orangeburg Avenue and 9th Street within the City limits	35 miles per hour	May 26, 1987
CELESTE DRIVE, between Coffee Road and Oakdale Road	30 miles per hour	March 8, 1988
CLAUS ROAD, between M.I.D. Lateral No. 3 and 200' south of Scenic Drive	45 miles per hour	October 26, 1988

CLAUS ROAD, between 200' south of Scenic Drive and Yosemite Boulevard	50 miles per hour	February 14, 1989
COFFEE ROAD, between Mable Avenue and Sylvan Avenue within the City limits	45 miles per hour	April 17, 1986
COFFEE ROAD, between Sylvan Avenue and Floyd Avenue within the City limits	35 miles per hour	October 27, 1988
COFFEE ROAD, between Floyd Avenue and Briggsmore Avenue	35 miles per hour	October 27, 1988
COFFEE ROAD, between Briggsmore Avenue and Scenic Drive	35 miles per hour	October 27, 1988
COLLEGE AVENUE, between Rumble Road and Bowen Avenue	30 miles per hour	October 27, 1988
COLLEGE AVENUE, between Bowen Avenue and Princeton Avenue	35 miles per hour	June 2, 1987
CROWS LANDING ROAD, Blankenburg Avenue to School Avenue, within the City limits	35 miles per hour	March 2, 1988
DALE ROAD, between Pelandale Avenue and Snyder Avenue within the City limits	35 miles per hour	September 2, 1987
DALE ROAD, between Snyder Avenue and Veneman Avenue	35 miles per hour	September 2, 1987
DALE ROAD, between Veneman Avenue and Standiford Avenue	35 miles per hour	October 20, 1988
EASTRIDGE DRIVE, between Orangeburg Avenue and Scenic Drive	30 miles per hour	March 7, 1988
EICHER AVENUE, between Conant Avenue and Goldie Avenue	30 miles per hour	September 19, 1985
EL VISTA AVENUE, between Scenic Drive and Yosemite Boulevard	35 miles per hour	October 26, 1988

EMERALD AVENUE, between Maze Boulevard and California Avenue within the City limits	35 miles per hour	March 2, 1988
ENCINA AVENUE, between Santa Barbara Avenue and Conejo Avenue	30 miles per hour	March 8, 1988
EVERGREEN AVENUE, between Orangeburg Avenue and Carver Road	30 miles per hour	June 23, 1988
FAIRMONT AVENUE, between Sunrise Avenue and Coffee Road	30 miles per hour	March 7, 1988
FLOYD AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	May 26, 1987
FLOYD AVENUE, between Coffee Road and Oakdale Road	30 miles per hour	March 8, 1988
FLOYD AVENUE, between Oakdale Road and Roselle Avenue within the City limits	35 miles per hour	August 26, 1987
GRANGER AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	March 8, 1988
GRANGER AVENUE, between McHenry Avenue and Sunrise Avenue	30 miles per hour	March 7, 1988
KANSAS AVENUE, between Carpenter Road and Emerald Avenue within the City limits	40 miles per hour	March 19, 1986
KANSAS AVENUE, between Emerald Avenue and Eighth Street	35 miles per hour	October 26, 1988
KEARNEY AVENUE, between Glenwood Drive and Coldwell Avenue	30 miles per hour	September 18, 1985
KELLER STREET, between Sylvan Avenue and Rumble Road within the City limits	30 miles per hour	October 27, 1988
LA LOMA AVENUE, between H Street and Santa Ana Avenue	35 miles per hour	August 27, 1986

LA LOMA AVENUE, between Santa Ana Avenue and Yosemite Boulevard	35 miles per hour	August 27, 1986
LAKWOOD AVENUE, between Orangeburg Avenue and Scenic Drive	30 miles per hour	March 7, 1988
LINCOLN AVENUE, between 650' north of M.I.D. Lateral No. 2 and Yosemite Boulevard	35 miles per hour	August 30, 1989
MABLE AVENUE, between Coffee Road and Oakdale Road	35 miles per hour	September 19, 1985
MERLE AVENUE, between Oakdale Road and Roselle Avenue	35 miles per hour	March 14, 1989
MILLER AVENUE, between La Loma Avenue and El Vista Avenue	35 miles per hour	June 11, 1987
MITCHELL ROAD, between Finch Road and the southerly City limits	50 miles per hour	June 11, 1987
MORRIS AVENUE, between McHenry Avenue and Coffee Road	30 miles per hour	May 26, 1987
MT. VERNON DRIVE, between Prescott Road and Carver Road	30 miles per hour	March 8, 1988
MT. VERNON DRIVE, between Carver Road and College Avenue	30 miles per hour	March 8, 1988
NEECE DRIVE, between Tuolumne Boulevard and Rouse Avenue	35 miles per hour	March 2, 1988
NEEDHAM STREET, between 9th and L Streets	35 miles per hour	March 2, 1988
N. MARTIN LUTHER KING DRIVE, between Maze Boulevard and California Avenue	30 miles per hour	June 24, 1987
NORWEGIAN AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	March 8, 1988
OAKDALE ROAD, between Mable Avenue and Sylvan Avenue within the City limits	50 miles per hour	March 14, 1989

OAKDALE ROAD, between Sylvan Avenue and Floyd Avenue within the City limits	45 miles per hour	March 14, 1989
OAKDALE ROAD, between Floyd Avenue and Briggsmore Avenue	35 miles per hour	April 21, 1988
OAKDALE ROAD, between Briggsmore Avenue and Scenic Drive	35 miles per hour	April 21, 1988
ORANGEBURG AVENUE, between Briggsmore Avenue and Martin Avenue	30 miles per hour	August 30, 1989
ORANGEBURG AVENUE, between Martin Avenue and McHenry Avenue	35 miles per hour	March 9, 1988
ORANGEBURG AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	March 31, 1988
ORANGEBURG AVENUE, between Coffee Road and Oakdale Road	35 miles per hour	March 17, 1986
ORANGEBURG AVENUE, between Oakdale Road and Lakewood Avenue	35 miles per hour	August 31, 1989
ORANGEBURG AVENUE, between Lakewood Avenue and Claus Road	35 miles per hour	August 31, 1989
PARADISE ROAD, between Vernon Avenue and N. Martin Luther King Drive within the City limits	35 miles per hour	March 14, 1989
PARADISE ROAD, between N. Martin Luther King Drive and Washington Street	30 miles per hour	March 14, 1989
PRESCOTT ROAD, between Snyder Avenue and Standiford Avenue	35 miles per hour	March 9, 1988
PRESCOTT ROAD, between Standiford Avenue and Rumble Road	35 miles per hour	March 9, 1988
PRESCOTT ROAD, between Rumble Road and Briggsmore Avenue	35 miles per hour	October 20, 1988

PRINCETON AVENUE, between Tully Road and College Avenue	25 miles per hour	August 30, 1989
RIVERSIDE DRIVE, between Edge- brook Drive and Yosemite Boulevard	35 miles per hour	September 19, 1985
ROSE AVENUE, between Floyd Avenue and Briggsmore Avenue	35 miles per hour	May 26, 1987
ROSE AVENUE, between Briggsmore Avenue and Scenic Drive	35 miles per hour	May 26, 1987
ROSEBURG AVENUE, between Carver Road and Tully Road	30 miles per hour	March 7, 1988
ROSEBURG AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	March 7, 1988
ROSEBURG AVENUE, between McHenry Avenue and Sunrise Avenue	35 miles per hour	March 7, 1988
ROSEMORE AVENUE, between Blue Gum Avenue and Kansas Avenue within the City limits	35 miles per hour	October 31, 1985
ROUSE AVENUE, between Neece Drive and Colorado Avenue within the City limits	35 miles per hour	June 26, 1987
RUMBLE ROAD, between Sisk Road and Conant Avenue	40 miles per hour	March 27-28, 1986
RUMBLE ROAD, between Conant Avenue and Tully Road	30 miles per hour	March 9, 1988
RUMBLE ROAD, between Tully Road and McHenry Avenue	35 miles per hour	September 18, 1985
RUMBLE ROAD, between McHenry Avenue and Coffee Road	35 miles per hour	March 8, 1988
SANTA CRUZ AVENUE, between Yosemite Boulevard and Legion Park Drive within the City limits	35 miles per hour	October 9, 1985
SCENIC DRIVE, between Burney Street and Coffee Road	30 miles per hour	March 2, 1988

SCENIC DRIVE, between Coffee Road and Oakdale Road	40 miles per hour	March 17, 1986
SCENIC DRIVE, between Oakdale Road and Lakewood Avenue	45 miles per hour	July 22, 1985
SCENIC DRIVE, between Lakewood Avenue and Lillian Drive	30 miles per hour	March 7, 1988
SCENIC DRIVE, between Lillian Drive and Claus Road	40 miles per hour	June 11, 1987
SHARON WAY, between Budd Street and Prescott Road	30 miles per hour	March 8, 1988
SIERRA DRIVE, between G and South 7th Streets	30 miles per hour	March 2, 1988
SISK ROAD, between 600' north of Vintage Drive and Standiford Avenue	40 miles per hour	December 9, 1985
SISK ROAD, between Standiford Avenue and Briggsmore Avenue	40 miles per hour	March 28, 1986
SNYDER AVENUE, between Dale Road and Prescott Road within the City limits	35 miles per hour	September 30, 1987
SNYDER AVENUE, between Prescott Road and Carver Road within the City limits	40 miles per hour	September 30, 1987
STANDIFORD AVENUE, between Dale Road and Prescott Road within the City limits	35 miles per hour	August 30, 1989
STANDIFORD AVENUE, between Prescott Road and Carver Road	35 miles per hour	August 30, 1989
STANDIFORD AVENUE, between Carver Road and Tully Road	35 miles per hour	October 5, 1989
STANDIFORD AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	March 14, 1989
SUNRISE AVENUE, between Floyd Avenue and Briggsmore Avenue	30 miles per hour	March 8, 1988

SUNRISE AVENUE, between Briggsmore Avenue and Lucern Avenue	30 miles per hour	August 31, 1989
SURREY AVENUE, between Oakdale Road and Eastridge Drive	30 miles per hour	August 31, 1989
SUTTER AVENUE, between Paradise Road and Robertson Road within the City limits	30 miles per hour	June 24, 1987
SYCAMORE AVENUE, between Orangeburg Avenue and Griswold Avenue	30 miles per hour	October 26, 1988
SYLVAN AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	August 30, 1989
SYLVAN AVENUE, between Coffee Road and Oakdale Road	35 miles per hour	February 14, 1989
TENAYA DRIVE, between Santa Rita Avenue and South Riverside Drive within the City limits	35 miles per hour	October 9, 1985
TULLY ROAD, between M.I.D. Lateral No. 6 and Standiford Avenue	35 miles per hour	March 9, 1988
TULLY ROAD, between Standiford Avenue and Coldwell Avenue	35 miles per hour	June 2, 1987
TUOLUMNE BOULEVARD, between Paradise Road and 7th Street	35 miles per hour	June 24, 1987
VENEMAN AVENUE, between Dale Road and Regency Park Drive	35 miles per hour	June 2, 1987
VENEMAN AVENUE NORTH, between Regency Park Drive and Snyder Avenue	25 miles per hour	October 28, 1988
VIRGINIA AVENUE, between Roseburg Avenue and Needham Street	30 miles per hour	March 7, 1988

WHITMORE AVENUE, between Crows Landing Road and Morgan Road within the City limits	45 miles per hour	March 27, 1986
WOODLAND AVENUE, between Morse Road and Carpenter Road, within the City limits	35 miles per hour	October 26, 1988
WOODLAND AVENUE, between Carpenter Road and 9th Street, within the City limits	35 miles per hour	August 28, 1986
WOODROW AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	March 9, 1988
WYLIE DRIVE, between Rose Avenue and Oakdale Road	30 miles per hour	October 26, 1988
9TH STREET, between Carpenter Road and 400' north of Tully Road within the City limits	45 miles per hour	December 2, 1986
9TH STREET, between P Street and L Street	35 miles per hour	March 19, 1986

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7 day of November, 1989, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Ord. No. 2691-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 14th day of November, 1989, 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: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED Carol Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 30, 1989

ORDINANCE NO. 2692 -C.S.

AN ORDINANCE AMENDING SECTION MAP 25-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (MID-VALLEY ENGINEERING/RESOURCE DEVELOPMENT)

WHEREAS, a verified application for an amendment to Section 25-3-9 of the Zoning Map was filed by Mid-Valley, Inc. on June 20, 1989, to reclassify from Low Density Residential Zone, R-1, to Medium-High Density Residential Zone, R-3, and Highway Commercial Use, C-3, property located on the north side of Yosemite Boulevard, west of Claus Road hereinafter described, and

WHEREAS, after public hearing held on September 18, 1989, and continued to October 2, 1989, 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. 89-124, adopted on October 2, 1989, the Planning Commission recommended to the Council that the application of Mid-Valley, Inc. to amend Section 25-3-9 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, and Highway Commercial Use, C-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 November 14, 1989, 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 proposed rezoning to C-3 is on a stretch of Yosemite Boulevard frontage that as a "major street entrance to the City," has long been planned for highway-oriented commercial development.
2. The proposed C-3 and R-3 zoning pattern conforms in principle to previously prepared zoning and development plans and a more recent land use pattern established pursuant to the Dry Creek Meadows subdivision.

SECTION 2. ZONING CHANGE. Section 25-3-9 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, and Highway Commercial Use, C-3:

R-1 to R-3

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

COMMENCING at the South quarter corner of Section 25, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, as shown on the map entitled "DRY CREEK MEADOWS NO. 10" as recorded in Volume 33 of Maps, at Page 87, Stanislaus County Records; said quarter corner lies at the intersection of the centerlines of North McClure Road and Yosemite Boulevard; thence North 89 degrees 34'22" East, along the centerline of Yosemite Boulevard, 992.86 feet to the centerline of Creekwood Drive; thence North 0 degrees 25'38" West along the centerline of Creekwood Drive, 667.00 feet to the True Point of Beginning; thence continuing along said centerline North 0 degrees 25'38" West, 28.00 feet to the beginning of a curve, concave to the East, having a central angle of 36 degrees 30'26" and a radius of 800.00 feet; thence along the arc of said curve, a distance of 509.74 feet to a point of reverse curve, said reverse curve having a central angle of 18 degrees 44'04" and a radius of 800.00 feet; thence along the arc of said curve, a distance of 261.58 feet; thence leaving said centerline South 72 degrees 39'16" East, 35.00 feet; thence North 89 degrees 34'22" East, 1,074.68 feet to a point on the Westerly right-of-way line of "New" Claus Road; thence South

58 degrees 39'54" East, 67.50 feet to a point on the centerline of "New" Claus Road, said point lies on a curve concave to the Northwest, having a central angle of 10 degrees 30'35" and a radius of 1,201.50 feet, and a radial bearing of North 58 degrees 39'54" West; thence along said centerline in a Southerly direction, along the arc of said curve a distance of 220.39 feet to a point of reverse curve, said reverse curve having a central angle of 24 degrees 43'55" and a radius of 1,438.50 feet; thence along the arc of said curve, a distance of 620.93 feet; thence North 72 degrees 53'14" West, 67.50 feet; thence South 89 degrees 34'22" West, 937.12 feet to the Point of Beginning.

R-1 to C-3

ALL that certain real property situate in the Southeast quarter of Section 25, and the Northeast quarter of Section 36, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the South quarter corner of Section 25, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, as shown on the map entitled "Dry Creek Meadows No. 10" as recorded in Volume 33 of Maps, at Page 87, Stanislaus County Records, said quarter corner lies at the intersection of the centerlines of North McClure Road and Yosemite Boulevard; thence North 89 degrees 34'22" East along the centerline of Yosemite Boulevard 992.86 feet to the centerline of Creekwood Drive and the True Point of Beginning; thence North 0 degrees 25'38" West along the centerline of Creekwood Drive, 667.00 feet; thence leaving said centerline North 89 degrees 34'22" East, 937.12 feet to a point on the Westerly right-of-way of "New" Claus Road; thence South 72 degrees 53'14" East, 67.50 feet to the centerline of "New" Claus Road, said point on the centerline of "New" Claus Road lies on a curve concave to the East, having a central angle of 17 degrees 32'24" and a radius of 1,438.50 feet and a radial bearing of South 72 degrees 53'14" East; thence along said centerline in a Southerly direction, along the arc of said curve, a distance of 440.37 feet; thence South 0 degrees 25'38" East, 213.13 feet to the intersection of the centerlines of "New" Claus Road and Yosemite Boulevard; thence South 89 degrees 34'22" West along the centerline of Yosemite Boulevard, 934.60 feet to the Point of Beginning. Including the Southern 33.00 feet of Yosemite Boulevard located between the above described property and existing city limit line extending along the South right-of-way line of Yosemite Boulevard.

SECTION 3. ZONING MAP. Section 25-3-9 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14 day of November, 1989, 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: Irizarry, Lang, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By William J. Kurland
Department of Planning and
Community Development

Ord. No. 2692-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 21st day of November, 19 89, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

APPROVED



MAYOR CAROL G. WHITESIDE

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 21, 1989

Clark

ORDINANCE NO. 2693 -C.S.

AN ORDINANCE AMENDING SECTION MAP 25-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (MID-VALLEY ENGINEERING/DRY CREEK MEADOWS)

WHEREAS, a verified application for an amendment to Section 25-3-9 of the Zoning Map was filed by Mid-Valley Engineering, Inc. on June 19, 1989, to reclassify from Low Density Residential Zone, R-1, to Highway Commercial Zone, C-3, the hereinafter described property, and

WHEREAS, after public hearing held on September 18, 1989, and continued to October 2, 1989, 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. 89-123, adopted on October 2, 1989, the Planning Commission recommended to the Council that the application of Mid-Valley Engineering, Inc. to amend Section 25-3-9 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Highway Commercial Zone, C-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 November 14, 1989, 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 proposed rezoning to C-3 is on a stretch of Yosemite Boulevard frontage that as a "major entrance to the City," has long been planned for highway-oriented commercial development.
2. The proposed C-3 zoning conforms to previously prepared zoning and development plans and more recent land use pattern established pursuant to the Dry Creek Meadows subdivision.

SECTION 2. ZONING CHANGE. Section 25-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Highway Commercial Zone, C-3:

R-1 to C-3

ALL that certain real property situate in the Southeast quarter of Section 25, and the Northeast quarter of Section 36, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, described as follows:

BEGINNING at the South quarter corner of Section 25, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, as shown on the map entitled, DRY CREEK MEADOWS NO. 9" as recorded in Volume 33 of Maps, at Page 86, Stanislaus County Records; said quarter corner lies at the intersection of the centerlines of North McClure Road and Yosemite Boulevard; thence North 0 degrees 35'58" West, along the centerline of North McClure Road, a distance of 430.05 feet; thence leaving said centerline North 89 degrees 24'02" East, 994.16 feet to the centerline of Creekwood Drive; thence South 0 degrees 25'38" East, along said centerline, a distance of 433.04 feet to the intersection of the centerlines of Creekwood Drive and Yosemite Boulevard; thence South 89 degrees 34'22" West, along the centerline of Yosemite Boulevard, 992.86 feet to the Point of Beginning. Including the Southern 33.00 feet of Yosemite Boulevard located between the above described property and existing City limit line extending along the South right-of-way line of Yosemite Boulevard.

SECTION 3. ZONING MAP. Section 25-3-9 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14 day of November, 1989, 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: Irizarry, Lang, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

APPROVED: 
CAROL G. WHITESIDE, Mayor

ATTEST:


By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and Community
Development

Ord. No. 2693-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 21st day of November, 19 89, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: Bird

APPROVED



MAYOR CAROL G. WHITESIDE

ATTEST:



NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 21, 1989

ORDINANCE NO. 2694 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2144-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAPS 2-3-8 AND 3-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (MARTIN)"

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 2144-C.S. Section 2 of Ordinance No. 2144-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(330) Zone, subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code.

1. A shopping center allowing C-3 Zone uses."

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of November, 1989, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Carol G. Whiteside*
CAROL G. WHITESIDE, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

Ord. No. 2694-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 December, 1989, Councilmember Irizarry moved its final adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED Carol G. Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 4, 1990

ORDINANCE NO. 2695 -C.S.

AN ORDINANCE AMENDING SECTION 8-1.903 OF ARTICLE 9 OF CHAPTER 1 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO CAPITAL FACILITIES FEES.

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

SECTION 1. AMENDMENT OF CODE. Section 8-1.903 of Article 9 of Chapter 1 of Title VIII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 8-1.903. DEFINITION OF "CAPITAL FACILITIES FEE."

For the purposes of this chapter and for the purposes of all resolutions adopted pursuant to Section 8-1.904, the term "Capital facilities fee" shall mean the fee charged new construction, including, in some cases, the expansion of and/or the addition to an existing structure, to mitigate an unfunded portion of the determined impact of the development.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation on January 20, 1990.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of November, 1989, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore,
Mayor Whiteside

NOES: Councilmembers: Bird, Patterson

ABSENT: Councilmembers: None

APPROVED: Carol Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Ord. No. 2695-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 12th day of December, 19 89, 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: Irizarry, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Bird, Patterson

ABSENT: Councilmembers: None

APPROVED



MAYOR CAROL G. WHITESIDE

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 20, 1990

10

ORDINANCE NO. 2696 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2615-C.S., ENTITLED "AN ORDINANCE AMENDING SECTION MAP 9-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM DENSITY RESIDENTIAL ZONE, R-2, TO PLANNED DEVELOPMENT ZONE, P-D(455), PROPERTY LOCATED ON THE NORTH SIDE OF SYLVAN AVENUE BETWEEN REXFORD DRIVE AND DRAGOO PARK DRIVE (WEBB CHENCY INVESTMENTS)" (SYLVAN DRAKE ASSOCIATES).

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 2615-C.S. Section 2 of Ordinance No. 2515-C.S., is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(455) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code.

1. Office air-space condominiums containing uses allowed in the P-O Zone.
2. Off-street parking as shown on the approved plan."

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5 day of December, 1989, by Councilmember Irizarry, 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: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

Ord. No. 2696-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 12th day of December, 1989, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

APPROVED Carol Whiteside
MAYOR CAROL G. WHITESIDE

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 4, 1990

Clerk (4)

ORDINANCE NO. 2697 -C.S.

AN ORDINANCE AMENDING SECTION MAP 14-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D(468), PROPERTY LOCATED ON THE SOUTHWEST CORNER OF MERLE AVENUE AND ROSELLE AVENUE EXTENDED, NORTH OF BRIGGSMORE AVENUE (FLORSHEIM BROS. AND J. C. WILLIAMS CO.).

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

SECTION 1. ZONING CHANGE. Section 14-3-9 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(468):

R-3 to P-D

All that certain real property situate in a portion of the Southeast quarter of the southeast quarter of Section 14 and the Southwest quarter of the Southwest of Section 13, and the Northeast quarter of the Northeast quarter of Section 23, 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:

All of Parcel "C" as shown on that certain parcel map filed on January 8, 1986, in Book 37 of Parcel Maps, at page 64, Stanislaus County Records. Including the South one half of Merle Avenue located between the north line of said Parcel "C" and the quarter, quarter Section line, and all of that City area located between the East line of said Parcel "C" and the existing city limits as established by the East line of the Orchard Neighborhood Addition effective March 23, 1979, and all of the 140.00 foot wide Modesto Irrigation Lateral Number 3 and Northern 60.00 feet of 120.00 foot West Briggsmore Avenue located between the South line of said Parcel "C" and centerline of Briggsmore Avenue and all immediately adjacent to said Parcel "C".

SECTION 2. USES. The following uses shall be permitted in said P-D(468) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. One- and two-story homes.
2. Swimming pool and play area as shown on the approved development plan.

SECTION 3. ZONING MAP. Section Map 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26 day of December, 1989, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bird, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Carol G. Whiteside
CAROL G. WHITESIDE, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By William Bird
Department of Planning and
Community Development

Ord. No. 2897-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 2nd day of January, 1990, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

APPROVED



MAYOR CAROL G. WHITESIDE

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 1, 1990

ORDINANCE NO. 2698 -C.S.

AN ORDINANCE AMENDING SECTION MAP SECTION 21-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(469), PROPERTY LOCATED ON THE NORTH SIDE OF COOLIDGE AVENUE WEST OF SUNRISE AVENUE (SAID AKHZAR).

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 Low Density Residential Zone, R-1, to Planned Development Zone, P-D(469):

R-1 to P-D

ALL that certain real property situate in a portion of the Northeast Quarter of the Northeast Quarter of the Northwest 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 Southeast corner of the Northeast Quarter of the Northeast Quarter of the Northwest Quarter of said Section 21; thence along the South line of the Northeast Quarter of the Northeast Quarter of the Northwest Quarter of said Section 21 and also being the centerline of East Coolidge Avenue North 89°37'42" West, 154.99 feet to the Southern prolongation of the East line of Parcel "C" as shown on that map recorded in Volume 26 of Parcel Maps, at Page 89, Stanislaus County Records; thence along said prolongation and East line of said Parcel "C", North 0°40'23" West, 266.99 feet to the Southeast corner of Parcel "B", also shown on said parcel map; thence along the South line of said Parcel "B" North 89°37'42" West 176.38 feet; thence continuing along said South parcel line, North 0°43'49" West, 2.83 feet; thence North 89°35'59" West 104.00 feet to the Southwest corner of said Parcel "B", thence continuing on a course of North 89°35'59" West, 61.00 feet more or less; thence Southerly 140.00 feet more or less; thence Easterly 63.00 feet more or less; thence Southerly 130.00 feet more or less to aforementioned quarter, quarter Section line and centerline of East Coolidge Avenue; thence along said centerline South 89°37'42" East, 278.00 feet to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(469) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning

Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. Single-family attached dwellings.
2. Off-street parking as shown on the approved plan.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26 day of December, 1989, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Carol Whiteside*
CAROL G. WHITESIDE, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By *Althum F. ...*
Department of Planning and
Community Development

Ord. No. 2698-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 2nd day of January, 1990, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

APPROVED



MAYOR CAROL G. WHITESIDE

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 1, 1990

ORDINANCE NO. 2699 -C.S.

AN ORDINANCE AMENDING SECTIONS 10-2.2102 AND 10-2.2110 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO DECORATIVE BANNERS IN CERTAIN COMMERCIAL AREAS.

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

SECTION 1. AMENDMENT OF CODE. Sections 10-2.2102 and 10-2.2110 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.2102. 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.

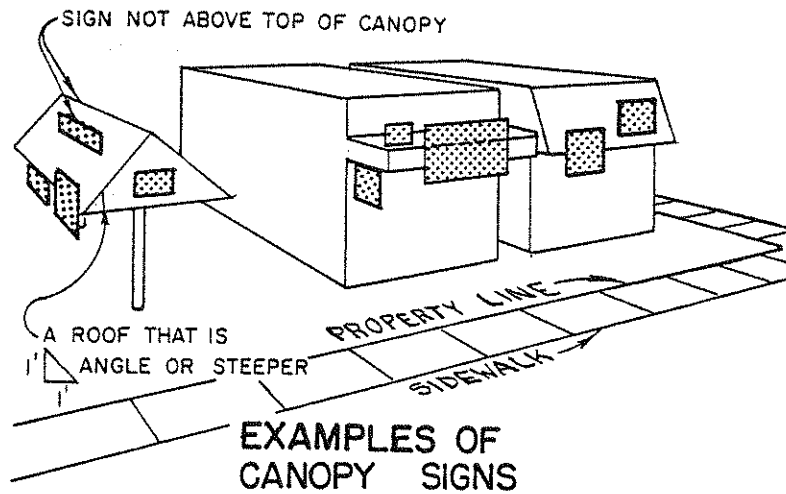


EXAMPLES OF SIGN AREA

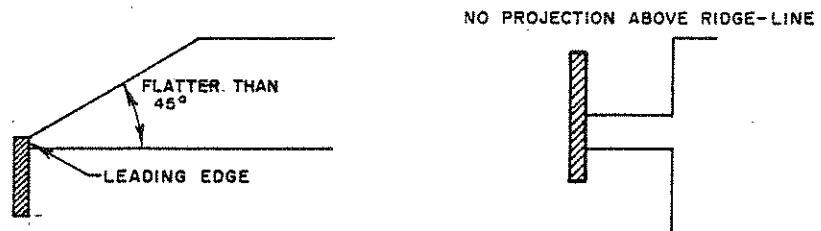
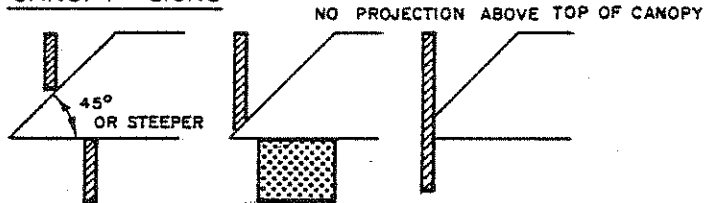
Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except where two (2) such faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one face if the 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 City-franchised bus 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 and which:
 - (1) is mounted in a vertical plane.
 - (2) is mounted parallel to the leading edge of a canopy except for an under canopy sign which may be mounted at an angle to the leading edge of a canopy.
 - (3) does not project above the top of the canopy when mounted on a canopy with a slope of forty-five (45) degrees (one [1] horizontal to one [1] vertical) or steeper, and which may be mounted anywhere on the slope.
 - (4) does not project above the leading edge of the canopy when mounted on a canopy with a slope flatter than forty-five (45) degrees.

- (5) on a flat canopy (no slope), projects above the top of the canopy but does not project higher than the wall of the building to which the canopy is attached.



CANOPY SIGNS

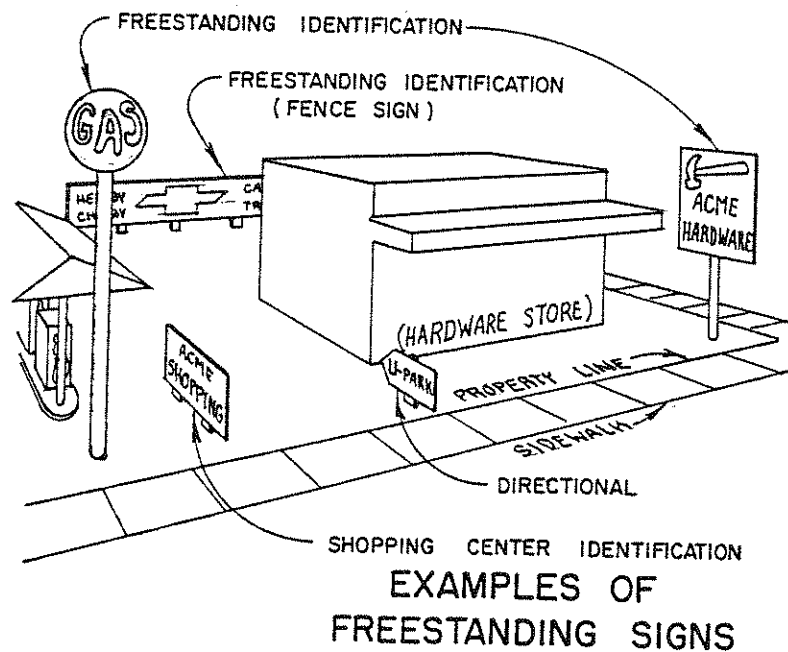


MARQUEE SIGNS

ANY OF THE ABOVE SIGNS THAT OVERHANG A PUBLIC STREET OR ALLEY IN PART OR IN TOTAL.

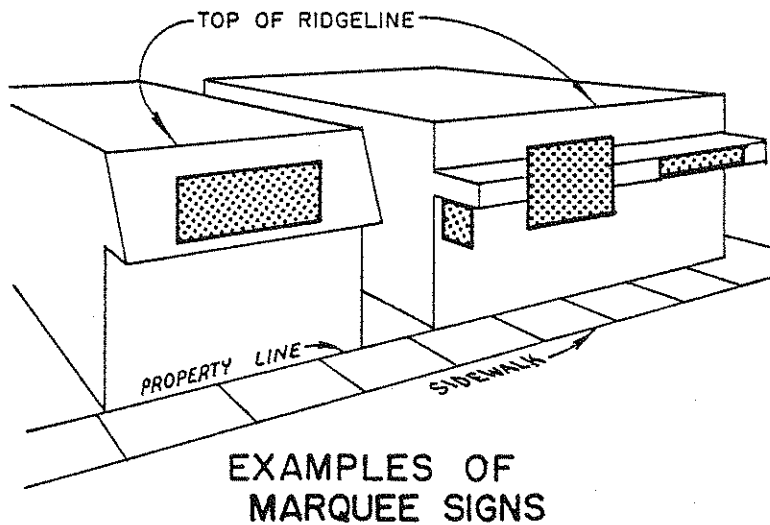
SIGNS ON CANOPIES, ROOFS, MARQUEES

- (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.
- (g) "Corporate Flag" shall mean a flag identifying a business or firm.
- (h) "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.
- (i) "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.
- (j) "Freestanding Sign" shall mean a sign detached from any building or structure, and the supports of which are permanently affixed in the ground.



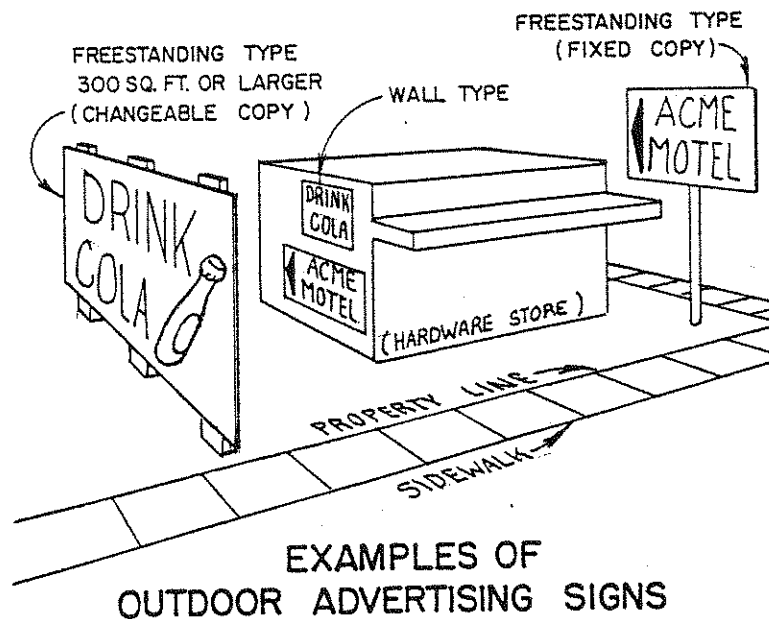
- (k) "Garage Sale Sign" shall mean a sign which is used to advertise the sale of used or secondhand goods or merchandise at dwellings and on residentially zoned property; such sales are also commonly known as patio sales, yard sales, etc.
- (l) "Height" shall mean the vertical distance from the highest 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.
- (m) "Hot Air Balloon" shall mean a balloon that is filled with heated air, has a gondola, and is capable of rising and floating in the atmosphere with people aboard.
- (n) "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.
- (o) "Lighted Sign" shall mean any sign which is illuminated either directly or indirectly by artificial light.
- (p) "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.
- (q) "Marquee Sign" shall mean a sign attached to or hung from a marquee and which:
 - (1) Is mounted in a vertical plane.
 - (2) Is mounted parallel to the leading edge of a marquee, except for an under marquee sign which may be mounted at an angle to the leading edge of a marquee.

- (3) Does not project higher than the wall of the building to which the marquee is attached.



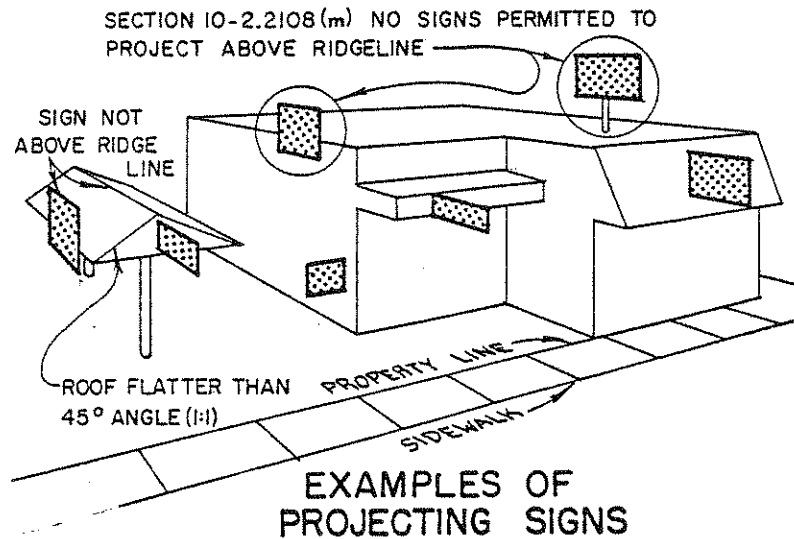
- (r) "Open House Directional Sign" shall mean a sign with the words "Open House" and may include an arrow or other directional symbol and real estate office name.
- (s) "Outdoor Advertising Sign" shall mean any of the following:
- (1) Commercial: Any sign, excepting a bench sign, that directs attention to a business, profession, product, commodity, or mercantile-oriented service that is not the primary business, profession, product, commodity or mercantile-oriented service sold, manufactured, conducted, or offered on the site on which the sign is located.

- (2) Noncommercial: Any sign, excepting a bench sign, which does not direct attention to a business, profession, product, commodity or mercantile-oriented service. This includes but is not limited to any sign expressing a personal, political, religious or social message, idea or point of view.



- (t) "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.
- (u) "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 10-2.2110(a)(4) of these regulations.
- (v) "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).



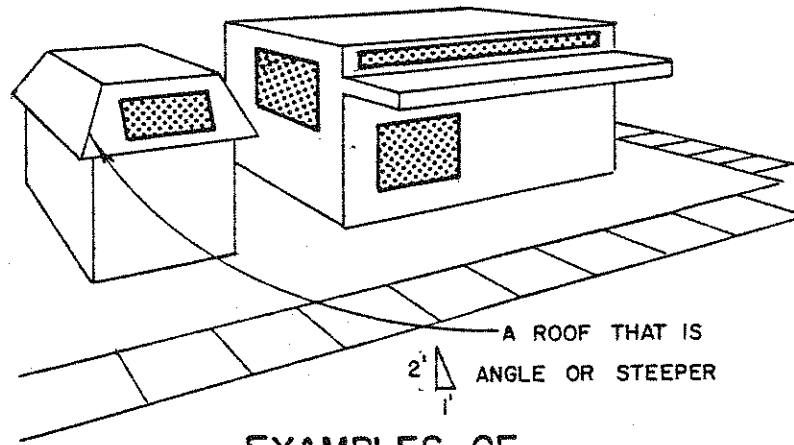
- (w) "Ridgeline" shall mean the peak of the roof, the top of a parapet, or the top of the wall of a building.
- (x) "Sign" shall mean any structure, device, letter, figure, character, poster, picture, trademark or reading matter which is used or designed to announce, declare, demonstrate, display or 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 nonprofit 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.
- (7) Hot Air Balloon.
- (y) "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.
- (z) "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.
- (aa) "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) Sign for fireworks stands, pumpkin sales, Christmas tree sales lots, and temporary certified farmers markets.
 - (6) Window Sign.
 - (7) Corporate Flag.
 - (8) Banners for grand openings, outdoor display or sale of goods, and decorative banners as defined in Modesto Municipal Code Section 10-2.2110(17) and (18).

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.

- (ab) "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 two (2) vertical, with the horizontal plane.
- (ac) "Wall Sign" shall mean any sign painted on, attached to or erected against the wall of a building 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

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

SEC. 10-2.2110. SPECIFIC REQUIREMENTS FOR TYPE, AREA AND HEIGHT OF SIGNS IN THE C-1, C-2, C-3, C-M, M-1, M-2, B-P 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, C-2, C-M, M-1 and M-2 zones, 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 nonconforming sign subject to abatement according to the schedule set forth in Section 10-2.2107.
 - (2) One (1) freestanding identification sign for a shopping center, as herein defined, 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 (0.5) the size of the lettering of the shopping center name on such sign.

- (ac) Any freestanding 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) A shopping center, eligible for a freestanding identification sign, is usually characterized by a cluster of retail uses:
 - (i) At one (1) location held out to the public as a distinct shopping area and having a minimum of five (5) retail uses on the same or adjacent sites.
 - (ii) On one (1) or more parcels not normally traversed by any public streets.
 - (iii) With membership in a merchants association comprising the cluster.
 - (iv) That employ a common advertising program for such a center.
- (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 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 in accordance with Article 25 of Chapter 2 of Title X of this Code.
 - (aa) Said use permit shall be dependent upon the following two (2) 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 C-1 zone.

(ab) The Board 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

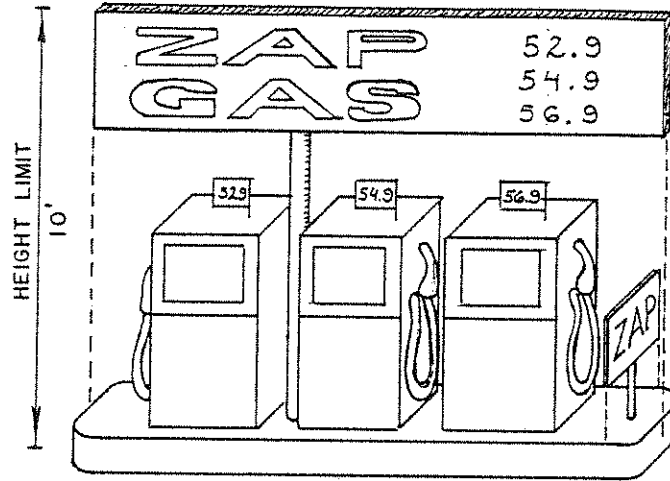
- (ac) That said signs shall not exceed thirty-five (35) feet in height nor project above a ridgeline, except that wall signs above thirty-five (35) feet in height may be approved subject to the securing of a conditional use permit from the Board in accordance with Article 25 of Chapter 2 of Title X of this Code. Said use permit will be dependent upon the following two (2) findings being shown:
 - (i) The building must exceed four (4) stories, or forty-eight (48) feet in height.
 - (ii) The applicant must show why wall signs at a thirty-five (35) foot height limit cannot properly identify and architecturally meet the design of the building. All options to reach a satisfactory solution must have been explored.
- (ad) That signs hung from a canopy shall be not less than eight (8) feet above a private sidewalk or fourteen and one-half (14.5) feet above ground level in areas open to vehicular traffic.
- (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 (0.5) of the area on a 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.

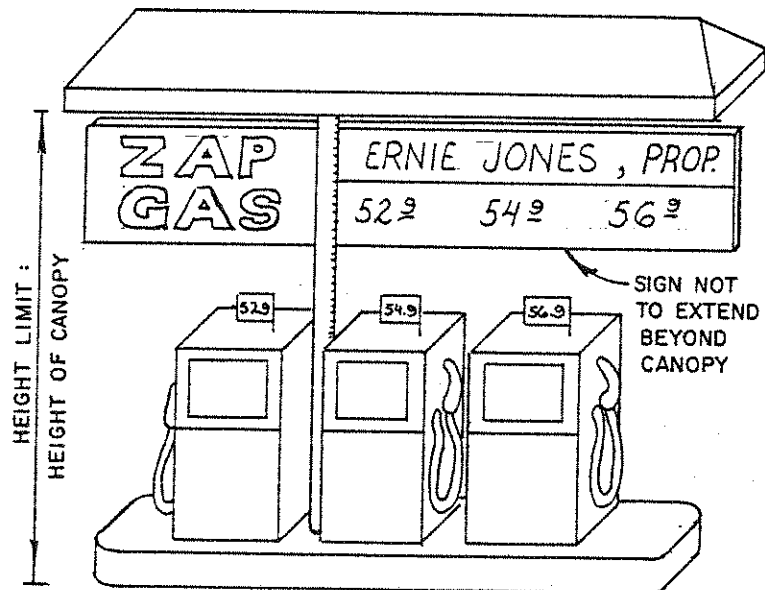
- (6) One (1) for sale or rent sign, not exceeding sixty-four (64) square feet in area and ten (10) feet in height.
- (7) One (1) construction sign, not exceeding sixty-four (64) square feet in area and ten (10) feet in height, provided such sign is removed not later than thirty (30) days after construction is completed.
- (8) One (1) sign hung from a marquee per street frontage for a given use, not exceeding six (6) square feet in area on any one side or twelve (12) square feet maximum total area. Said sign shall be not less than eight (8) feet above a public sidewalk and may be mounted at an angle to the leading edge of a marquee.
- (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 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 uprights, and nonmovable 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 sixty (160) square feet is permitted.

SIGN NOT TO EXTEND
BEYOND PUMP ISLAND



SERVICE STATION WITHOUT A CANOPY



SERVICE STATION WITH A CANOPY

- (15) Freestanding motor fuel price signs are permitted, as hereinafter specified, for businesses dispensing motor fuel to the public. The message on said signs shall be limited to specifying the prices and grades of motor fuel, self-service or full service, and brand name of the motor fuel, as required by the California Business and Professions Code. Motor fuel price signs shall be permitted as follows:

- (aa) One (1) motor fuel price sign per street frontage of the site.
 - (ab) Maximum area shall be twenty-five (25) square feet for the self-service portion of the sign and six (6) square feet for a discount for cash portion of the sign; twenty-five (25) square feet for the full-service portion of the sign and six (6) square feet for a discount for cash portion of the sign; all can be combined as one (1) sign.
 - (ac) Maximum height of sign shall be fourteen (14) feet.
- (16) 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.
- (17) Banners for grand openings and banners for outdoor display or sale of goods may be erected and displayed as follows:
- (aa) One banner per street frontage.
 - (ab) Each banner shall not exceed seventy-two (72) square feet in area.
 - (ac) Each banner shall not exceed thirty-five (35) feet in height, or the ridgeline of the roof of the building, whichever is lower. If the banner is placed on a freestanding structure, the sign shall not exceed twenty (20) feet in height.
 - (ad) Banners for a grand opening shall be permitted for no more than fourteen (14) days at a newly opened business, after obtaining a permit from the Director. Banners are not permitted for grand openings of businesses not located on the premises.
 - (ae) Banners for outdoor display or sale of goods shall be permitted only in conjunction with the three (3) permitted outdoor display, sales and promotions, after obtaining a permit from the Director.

- (18) Decorative banners for Regional and Community shopping centers as defined by the Land Use Element of the General Plan, and non-residential P-D zones with pedestrian orientation are permitted subject to the securing of a Conditional Use Permit from the Board in accordance with Article 25 of Chapter 2 of Title X of this Code.
- (aa) Each banner shall not exceed thirty-six (36) square feet in area.
 - (ab) Each banner shall comply with a minimum vertical clearance as defined by Modesto Municipal Code Section 10-2.2108(d).
 - (ac) Design review guidelines shall be adopted by the Board. Copy, color and materials used for each banner shall be subject to design review by the Board.
 - (ad) Products sold or individual businesses shall not be identified.
 - (ae) Each banner shall be erected and displayed on private property.
 - (af) Each banner shall be anchored as approved by the Board.
 - (ag) Each banner and its mounting shall be properly maintained. Bleached and tattered banners shall be prohibited.
- (b) In the C-3 zone, the following signs are permitted:
- (1) Any signs allowed in the C-1 zone are permitted in the C-3 zone for uses permitted in Section 10-2.1205 excepting that freestanding, marquee, and projecting identification signs as allowed in Section 10-2.2110(a)(1) and freestanding shopping center identification signs as allowed in Section 10-2.2110(a)(2) are not permitted in the C-3 zone.
 - (2) Any signs allowed in the R-3 zone are permitted in the C-3 zone for uses permitted in Section 10-2.1204.
 - (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 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 in accordance with Article 25 of Chapter 2 of Title X of this Code.

(aa) Said use permit shall be dependent upon the following two (2) 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 C-3 zone.

(ab) The Board 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 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) 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 in accordance with Article 25 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 C-3 zone.

(c) In the B-P zone, the following signs are permitted:

- (1) Any signs allowed in the C-1 zone are permitted in the B-P zone for uses permitted in Section 10-2.1602 excepting that freestanding, marquee, and projecting identification signs as allowed in Section 10-2.2110(a)(1) and freestanding shopping center identification signs as allowed in Section 10-2.2110(a)(2) are not permitted in the B-P zone.
- (2) For each parcel, one freestanding identification sign not exceeding seventy-two (72) square feet in area and six (6) feet in height.
- (3) One freestanding identification sign for a business park, as herein defined, for each street on which the business park fronts may be approved subject to the approval of a plot plan by the Board of Zoning Adjustment and subject to the following provisions:
 - (aa) Each business park sign shall not exceed seventy-two (72) square feet in area and six (6) feet in height.
 - (ab) The identification on each business park sign shall be limited to the business park name, and logo.
 - (ac) A business park, eligible for a freestanding identification sign, is characterized by a cluster of business park uses:
 - (i) In a contiguous area that can be traversed by public streets, of at least fifty (50) acres held out to the public as a single development.
 - (ii) Represented by a single association or organization.

(d) For P-D zones the following signs are permitted:

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

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26 day of December, 1989, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bird, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: 
CAROL G. WHITESIDE, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2699-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 2nd day of January, 19 90, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

APPROVED



MAYOR CAROL G. WHITESIDE

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 1, 1990

Clerk

ORDINANCE NO. 2700 -C.S.

AN ORDINANCE AMENDING SECTION 5-6.10 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO PARTICIPATION IN COST OF EXISTING SEWERS.

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

SECTION 1. AMENDMENT OF CODE. Section 5-6.10 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-6.10. PARTICIPATION IN COST OF EXISTING SEWER.

No property shall be permitted to connect to the City sewage system without participating in the cost of the sewer laterals which serve the area where the property is located.

Any property connecting to the City sewage system that has not already participated in the cost of a sewer lateral and which is to be served by an existing sewer shall either make reimbursement, through the City, of the property's proportionate share of private funds expended on the existing sewer line in accordance with any agreements on file with the Director or shall pay to the City a fee which shall be in accordance with a schedule approved by the Council from time to time by resolution, whichever is the greater sum.

The acreage used to determine the lateral fee shall be the total area developed or being developed which is owned, leased or controlled by the user.

In those instances where the total acreage owned, leased or controlled by the user is greater than that developed, the Director is authorized to determine the acreage to be used in determining the lateral fee. The remaining acreage shall pay a lateral fee at such time as it is developed.

Notwithstanding anything to the contrary contained in this chapter, the Council shall have the power to determine, by agreement, the total acreage developed or being developed which is owned, leased or controlled by a user meeting the criteria set forth below:

- (a) The user will establish a new industry or expand an existing industry within the Modesto Municipal Sewer District that results in more than two hundred twenty-five (225) new, permanent, on-site, full-time employees;
- (b) The user will construct a new industrial building or building addition with total floor space in excess of one hundred seventy-five thousand (175,000) square feet with

total project costs in excess of twenty million dollars (\$20,000,000).

If the property is developed beyond that development approved by the Council the developer shall pay a sewer lateral fee on the additional acreage developed. If the user fails to meet either of the criteria after development, the agreement shall be void and a sewer lateral fee shall be paid based on the total acreage developed or being developed had the above criteria not been applied.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26 day of December, 1989, 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: Bird, Irizarry, Lang, Muratore,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

APPROVED:


CAROL G. WHITESIDE, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, City Attorney

Ord. No. 2700-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 2nd day of January, 1990, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Irizarry, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

APPROVED

Carol G. Whiteside

MAYOR CAROL G. WHITESIDE

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 1, 1990