

AN ORDINANCE AMENDING SECTION MAP 8-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-
FYING CERTAIN PROPERTY LOCATED THEREON. (P-D 122)

The Council of the City of Modesto does ordain as fol-
lows:

SECTION 1. ZONING CHANGE. Section 8-3-9 of the
Zoning Map is hereby amended to reclassify the following-described
property from One-Family Residential Zone, R-1,
to Planned-Development Zone, P-D (122) :

All that portion of the southwest one-quarter of
the northeast one-quarter of Section 8, Township 3 South,
Range 9 East of the Mount Diablo Base and Meridian des-
cribed as follows:

All of Lots 1, 2, and 3 of Block 13051 in the Greenwood
Estates No. 1 as shown on the map recorded May 11, 1965,
in Volume 21 of Maps, at Page 9 in the Stanislaus County
Records.

Including also the northerly 45 feet of Standiford Avenue
immediately adjacent to said Lot 1, 2, and 3 and also
the northwesterly 30 feet of Columbine Drive immediately
adjacent to Lot 3.

SECTION 2. USES. The following uses shall be permitted in said P-D(122) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

- (a) A maximum of seven one-story fourplexes.
- (b) Off-street parking spaces at the minimum ratio of one and one-half parking spaces per dwelling unit.
- (c) Utility and maintenance buildings.
- (d) Storage, laundry and recreational buildings, and swimming pool.

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

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

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


The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of April, 19 74, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Vice Mayor Simon

NOES: Councilmen: None

ABSENT: Councilmen: Newton, Mayor Davies

APPROVED:


~~DEEK H. DAVIES, Mayor~~
RAYMOND C. SIMON, Vice Mayor

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Shields
Planning Department

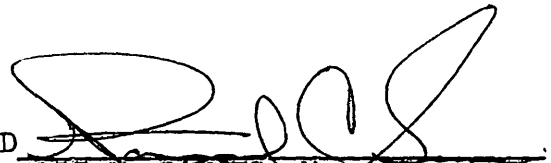
Ordinance 1351 C.S.
Exhibit A – Map


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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of April, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Vice Mayor Simon
- NOES: Councilmen: None
- ABSENT: Councilmen: Mayor Davies

APPROVED 
~~RAYMOND C. SIMON, Vice Mayor~~
 RAYMOND C. SIMON, Vice Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: May 22, 1974

ORDINANCE NO. 1352-C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1302-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 8-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, PREZONING CERTAIN PROPERTY LOCATED THEREON. (JAMES R. CLARKE - P-PD(120) MC HENRY AND UNION AVENUES)."

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1302-C.S. Section 2 of Ordinance No. 1302-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-PD(120) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code. Said uses are as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to the issuance of a building permit:


1. Automobile sales and service buildings including accessory body and paint shop.
2. Outdoor new and used vehicle display and storage areas.
3. Outdoor storage for disabled and wrecked cars.
4. Employee and customer off-street parking area as specified in the off-street parking standards of the Municipal Code.
5. Two free-standing signs subject to the conditions and time limitations set forth in City Council Resolution No. 73-971 as amended by City Council Resolution No. 74-287."

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of April, 1974, by Councilman Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:


AYES: Councilmen: Elliott, Kullijian, Mensinger, Vice Mayor Simon
NOES: Councilmen: Dunlap
ABSENT: Councilmen: Newton, Mayor Davies

APPROVED: 
RAYMOND C. SIMON, Vice Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY 
ELWYN L. JOHNSON, City Attorney

ORDINANCE NO. 1353 -C. S.

AN ORDINANCE AMENDING 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. Chapter 1 of Title IX of the Modesto Municipal Code is hereby amended to read as follows:

CHAPTER 1 - BUILDING CODE

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, 1973 Edition," published by the International Conference of Building Officials, together with the Appendix thereto, 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, declaring and establishing fire districts, and providing penalties for the violation thereof, as herein-after amended, deleted and added to, be and the same is hereby adopted by reference as the Building Code of the City of Modesto.

SEC. 9-1.02. TITLE. That Section 101 of said Building Code be amended to read as follows:

Section 101. This Code shall be known as the "Building Code," may be cited as such, and will be referred to herein as "this Code."

SEC. 9-1.03. INTERPRETATION. That Section 108 be added to said Building Code to read as follows:

Section 108. The language used in this Code is intended to convey the common and accepted meaning familiar to the building industry.

The Building Official is hereby authorized to determine the intent and meaning of any provision of this Code. Such determination shall be made in writing and a record kept, which shall be open to the public.

SEC. 9-1.04. VIOLATIONS. That Section 205 of said Building Code be amended to read as follows:

Section 205. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this Code.

SEC. 9-1.05. FEES. That Section 303 of said Building Code be amended to read as follows:

Section 303. (a) Building Permit Fees. A fee for each building permit shall be paid to the Building Official as set forth in Table No. 3-A

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 fees 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, elevators, fire-extinguishing systems and any other permanent work or permanent equipment.

Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees specified in Table No. 3-A shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

Permit fees for new buildings or additions to buildings of Group I and associated J occupancies containing not more than two (2) dwelling units, and having roof and floor spans of twenty-four (24') feet or less, and which are of conventional wood frame construction or of single story conventional masonry construction 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 sewer inspection, the plumbing permit, the heating and cooling 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 area 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.

TABLE NO. 3-A - BUILDING PERMIT FEES

<u>Total Valuation</u>	<u>Fee</u>
Less than \$20.00	No fee
\$20.00 to \$500.00	\$ 4.00
\$501.00 to \$2,000.00	\$ 4.00 for the first \$500.00 plus \$0.50 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$11.50 for the first \$2,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$57.50 for the first \$25,000.00 plus \$2.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$120.00 for the first \$50,000.00 plus \$2.13 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$226.50 for the first \$100,000.00 plus \$1.65 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 and up	\$887.00 for the first \$500,000.00 plus \$1.00 for each additional \$1,000.00 or fraction thereof

(b) Plan-checking Fees. When the valuation of the proposed construction exceeds One Thousand and no/100ths (1,000.00) Dollars, and a plan is required to be submitted by subsection (c) of Section 301, 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 I and J Occupancies shall be one-half of the building permit fees. Plan-checking fees for all other buildings shall be sixty-five (65%) percent of the building permit fees as set forth in Table No. 3-A.

Where plans are incomplete, or changed so as to require additional plan checking, an additional plan-check fee shall be charged at a rate established by the Building Official.

Exceptions:

1. The Building Official may require that the plan checking fee be paid at the same time the permit fee is paid.

2. The plan checking fee for construction involving construction of, alteration or additions to Group I and associated J occupancies containing not more than two (2) dwelling units, and having roof and floor spans of twenty-four (24') feet or less, and which are of conventional wood frame construction, or single story conventional masonry construction shall be ten (10%) percent of the building permit fee as set forth in Table No. 3-A.

3. The plan checking fee for A thru H occupancies valued at One Million and no/100ths (\$1,000,000.00) Dollars or less shall be fifty (50%) percent of the building permit fee as set forth in Table No. 3-A.

(c) Expiration of Plan Check. Applications for which no permit is issued within one hundred eighty (180) days following the date of application shall expire by limitation and plans submitted for checking may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan-check fee.

(d) Reinspection Fee. The fee for each reinspection shall be Ten and no/100ths (\$10.00) Dollars.

(e) Fees to Governmental Agencies. No plan checking or 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.

(f) 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 misdemeanor. Such a system may provide for the payment of permit fees on permits issued by telephone on an accounts receivable basis.

SEC. 9-1, 06. DEMOLITION OF BUILDINGS: CLEARANCE OF SITE AND SAFETY MEASURES REQUIRED. That Section 307 be added to said Building Code to read as follows:

Section 307. Prior to the issuance of a permit to demolish a building, the owner of the property on which the building is to be demolished, or his agent, shall file with the City Clerk a bond or other form of security in favor of the City of Modesto conditioned as follows:

(a) Before any work is started on a building or structure, the permittee or his authorized agent shall notify the appropriate utilities in order that all gas, water and oil pipelines that are to be disconnected from the building may be securely capped and sealed.

(b) Immediately after the demolition of any building or structure, the permittee or his authorized agent shall securely barricade all basement excavations and other holes or openings.

(c) Within ten (10) days after the demolition of any building or structure, the permittee or his authorized agent shall complete the following work:

(1) Securely close and seal any sanitary piping located on the property.

(2) Fill with dirt or sand any septic tanks or cesspools located on the property.

(3) Fill any openings, excavations or basements remaining on the land with dirt or sand to street level or the natural level of adjoining property unless otherwise directed by the Building Official.

(4) Remove any buried underground tanks formerly used for storage of flammable liquids as may be required by the Fire Department.

(5) Remove all refuse, debris, and waste materials from the property.

The bond required by this section shall be in an amount equal to the cost of the work proposed to be done as estimated by the Building Official.

The bond may be in the form of a corporate surety bond, cash deposit, savings and loan certificate, or an instrument of credit.

An extension of time for completion of the work required by this section may be granted by the Building Official when, in his discretion, circumstances justify such an extension; but no such extension shall release any bond or other security furnished pursuant to this section.

SEC. 9-1.07 CERTIFICATE OF OCCUPANCY. That subsection (d) of Section 306 of said Building Code be amended to read as follows:

(d) Temporary Certificate. A temporary Certificate of Occupancy may be issued by the Building Official for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure. The Building Official may as a condition of issuing a temporary Certificate of Occupancy require the owner of a building or structure to post a cash bond or savings and loan certificate in the amount of the estimated cost of the work remaining to be completed to guarantee that such remaining work will be completed within the time specified

by the Building Official.

SEC. 9-1.08. FIRE WARNING SIGNALS. That subsection (b) of Section 1302 of said Building Code be amended to read as follows:

(b) Special Provisions. Group H occupancies, more than two (2) stories in height or having more than three thousand (3,000) square feet of floor area above the first story, shall be not less than one hour fire-resistive construction throughout.

Exception: Dwelling units within an apartment house not over two (2) stories in height may have nonbearing walls of unprotected construction, provided the units are separated from each other and from corridors by construction having a fire-resistance rating of not less than one hour. Openings to such corridors shall be equipped with doors conforming to Section 3304 (h) or other equivalent protection.

An alarm system shall be provided for any hotel building having accommodations for fifteen (15) or more guests.

Exception: Where each guest room has direct exit to the outside of the building and the building is not over three (3) stories in height, as in motels.

Every apartment house of more than three (3) stories in height or more than twelve (12) apartment units shall have a manual fire alarm system.

Exception No. 1: Buildings provided with automatic sprinkler protection.

Exception No. 2: Buildings provided with a complete automatic fire detection system.

Such fire alarm systems shall be so designed that all occupants of the apartment house may be warned simultaneously and shall be in accordance with Section E740-3(d), Part 3, Title 24, California Administrative Code. The installation of such fire alarm systems shall be in accordance with Section E740-19, Part 3, Title 24, California Administrative Code.

For Group H Occupancies with a Group F, Division 1 parking garage in the basement or first floor, see Section 1102(a).

For attic space partitions and draft stops see Section 3205.

SEC. 9-1.09. EXISTING BUILDINGS. That subsection (m) of Section 1313 of said Building Code, as set forth in the Appendix thereto, be amended to read as follows:

(m) Alternates. No alternate method of obtaining the fire protection and safety required by this section may be used unless the Building Official finds that such alternate method provides protection and safety equipment equal to that required herein.

SEC. 9-1.10. FIRE RETARDANT ROOF COVERING. That Section 1314 be added to said Building Code to read as follows:

Section 1314. All buildings containing ten (10) or more dwelling units shall have roof covering which is fire retardant as specified in Section 3203 (e). For the purposes of this section a building that is divided into separate portions by separation walls pursuant to Section 505 (c) shall be deemed a single building containing all areas within the exterior walls of such building.

SEC. 9-1.11. BUILDING SECURITY. That Section 1315 be added to said Building Code to read as follows:

Section 1315. (a) Every exterior door of a dwelling unit and every door leading from a garage into a dwelling unit, except sliding glass doors, shall be equipped with a self-locking (dead latch) device with a minimum throw of one-half (1/2") 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.

SEC. 9-1.12. BUILDING SECURITY. That Section 1414 be added to said Building Code to read as follows:

Section 1414. (a) Every exterior door of a dwelling unit and every door leading from a garage into a dwelling unit, except sliding glass doors, shall be equipped with a self-locking (dead latch) device with a minimum throw of one-half (1/2") 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 frame.

(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.

SEC. 9-1.13. RESTRICTIONS IN FIRE ZONES. That subsection (a) of Section 1601 of said Building Code be amended to read as follows:

(a) Fire Zones Defined. For the purpose of this Code, the entire City is hereby declared to be and is hereby established a Fire District and said Fire District shall be known and designated as Fire Zones 1, 2 and 3, and shall include such territory or portions of said City as outlined in Section 3-1.201 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code. Whenever in this Code reference is made to any fire zone, it shall be construed to mean one of the fire zones created by said section.

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 finished in rooms to be used for human occupancy, shall be constructed according to the following requirements, or as approved by the Building Official.

(1) Four (4") inches of compacted gravel (three-fourths (3/4") inches gravel preferred) shall be placed so that the surface of the base is not less than three (3") inches above grade.

(2) A membrane water proofing or water proofing acceptable to the Building Official shall be placed on the rock base. Membrane shall extend to exterior walls or beyond the limits of habitable rooms and turn up to top of slab or down to bottom of footing for monolithic pours.

(3) One-half (1/2") inch of clean sand shall be placed on membrane water proofing before placing of concrete.

(4) Minimum thickness of concrete shall be three and one-half (3 1/2") inches.

SEC. 9-1.15. SOUND TRANSMISSION CONTROL. That Section 3501 of said Building Code, as set forth in the Appendix thereto, is hereby deleted.

SEC. 9-1.16. AUTOMATIC FIRE-EXTINGUISHING SYSTEMS. That subsection (b) of Section 3802 of said Building Code be amended by adding subparagraph 12 thereto to read as follows:

(12) In every story, basement, cellar and usable space in every building with four (4) or more stories, Automatic fire-extinguishing systems required by this subparagraph 12 shall be considered as one hour fire-resistive substitutes as provided in Section 508 of this Code.

SEC. 9-1.17. PROTECTION OF ADJACENT PROPERTY AND SANDBLASTING. That Section 4410 be added to said Building Code to read as follows:

Section 4410. (a) Protection of Adjacent Property. No maintenance, sandblasting, demolition or other building construction operations shall be carried on in a manner that will be detrimental or injurious to adjacent property, pedestrians, sidewalks or vehicles using the streets in the vicinity of the operation.

(b) Sandblasting. No person shall sandblast the exterior of any building or structure located in a C-1 Zone or a C-2 Zone, as established by the zoning regulations of the City of Modesto, without first obtaining a separate permit for each such building or structure from the Building Official. No building or other structure located in a C-1 Zone shall be sandblasted except by a wet process precluding the creation of dust and dry debris.

Exceptions: Dry sandblasting may be permitted by the Building Official only when evidence is submitted that this process is necessary for the proper cleaning of the building or structure. No permission may be granted unless it can be shown that the use of this process will not be detrimental to adjoining property or public welfare.

(c) Fees. Fees for permits shall be as set forth in Section 303 and Table No. 3-A of this Code.

SEC. 9-1.18. PERMITS. That Section 5108 of said Building Code, as set forth in the Appendix thereto, be amended to read as follows:

Section 5108. (a) Permits Required. It shall be unlawful to hereafter install any new elevator, moving walk or dumbwaiter, to make major alterations to any existing elevator, dumbwaiter, escalator or moving walk without having first obtained a permit for such installation from the Building Official. Permits shall not be required for maintenance or minor alterations. (See ANSI Code, Part X and Section 1101.1b.)

(b) Application for Permits. Application for a permit to install shall be made on forms provided by the Building Official and the permit shall be issued to an owner upon payment of the permit fees specified in this section.

(c) Fees. A fee for each permit shall be paid to the Building Official as follows:

New Installations:

Passenger or freight elevator, escalator, moving walk:

Up to and including Forty Thousand and no/100ths
(\$40,000.00) Dollars of valuation - - - - \$ 55.00

Over Forty Thousand and no/100ths
(\$40,000.00) Dollars of valuation - - - - 55.00 plus
\$1.00 for each
\$1,000 or fraction
thereof over
\$40,000

Dumbwaiter or private residence elevator:

Up to and including \$10,000 of valuation - - \$ 15.00

Over \$10,000 of valuation - - - - - 15.00 plus
\$1.00 for each
\$1,000 or fraction
thereof over
\$10,000

Major Alterations:

Fees for major alterations shall be as
set forth in Table No. 3-A

Installation fees include charges for electrical equipment on the conveyance side of the disconnect switch.

(Each escalator or moving walk unit powered by one motor shall be considered as a separate escalator or moving walk.)

SEC. 9-1.19. REQUIREMENTS FOR OPERATION AND MAINTENANCE. That Section 5113 of said Building Code, as set forth in the Appendix thereto, is hereby deleted.

SEC. 9-1.20. VALIDITY. That Section 6001 of said Building Code be amended to read as follows:

Section 6001. If any section, subsection, sentence, clause, or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The City Council hereby declares that it would have adopted this Code, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SEC. 9-1. 21. UNIFORM BUILDING CODE STANDARDS. That the introductory paragraph of Section 6002 of said Building Code be amended to read as follows:

The U. B. C. Standards which are referred to in various parts of this Code shall be the Uniform Building Code Standards, 1973 Edition, and are hereby declared to be a part of this Code.

SEC. 9-1. 22. SECTIONS TO BE DELETED FROM BUILDING CODE. That Sections 6003 and 6004 of said Building Code are hereby deleted.

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 1973 Edition of the Uniform Building Code in lieu of the 1970 Edition, prescribe local fee schedules, prescribe local procedures to be used in the administration and enforcement of said Code, provide for the clarification and recording of local interpretations of said Code, and make other changes in said Code consistent with local custom and practice as reflected in the prior local building code.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation on and after July 1, 1974.

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.

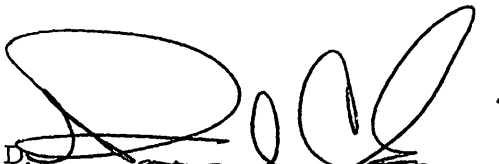
SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 1974, by Councilman Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

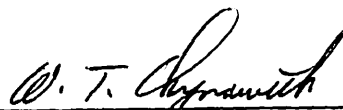
AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton,
Vice Mayor Simon

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

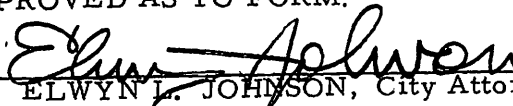
APPROVED, 
RAYMOND C. SIMON,
Vice Mayor

ATTEST:

By 
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 6th day of May, 1974, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Elliott, Kullijian, Mensinger, Newton,
Simon, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Dunlap

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: June 5, 1974

ORDINANCE NO. 1354 -C. S.

AN ORDINANCE AMENDING 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. Chapter 2 of Title IX of the Modesto Municipal Code is hereby amended to read as follows:

CHAPTER-2 - PLUMBING CODE

ARTICLE 1. GENERAL PROVISIONS

SEC. 9-2.101. 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, 1973 Edition," adopted by the International Association of Plumbing and Mechanical Officials, together with Appendix A, B, C, D, E, F, G and H 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 hereinafter amended, deleted and added to, be and the same is hereby adopted by reference as the Plumbing Code of the City of Modesto.

SEC. 9-2.102. ADMINISTRATIVE AUTHORITY. That subsection (c) of Section 102 of said Plumbing Code be amended to read as follows:

(c) 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.

SEC. 9-2.103. PURPOSE. That Section 128 be added to said Plumbing Code to read as follows:

Section 128. The purpose of this Code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance of plumbing and drainage systems and any parts or components thereof, and appliances connected thereto.

SEC. 9-2.104. SCOPE. That Section 129 be added to said Plumbing Code to read as follows:

Section 129. The provisions of this Code shall apply to the erection, installation, alteration, repair, relocation, replacement, addition to, use, or maintenance of plumbing and drainage systems and any parts thereof and any appliances connected thereto.

Where, in any specific case, different sections of this Code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

SEC 9-2.105. EXISTING EQUIPMENT. That Section 130 be added to said Plumbing Code to read as follows:

Section 130. Plumbing and drainage systems, part or components thereof, and other miscellaneous appliances connected thereto, lawfully installed prior to the effective date of this Code, may have their existing use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location and is not a hazard to life, health, or property.

All plumbing and drainage systems, parts or components thereof, and other miscellaneous appliances connected thereto, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. The owner or his designated representative shall be responsible for maintenance of plumbing and drainage systems and all appliances connected thereto

SEC. 9-2.106. BUILDING OFFICIAL. That Section 131 be added to said Plumbing Code to read as follows:

Section 131. (a) General. The Building Official is hereby authorized and directed to enforce all the provisions of this Code. For such purpose he shall have the powers of a police officer.

(b) Deputies. In accordance with the procedure and with the approval of the chief appointing authority of the city, the Building Official may appoint such number of officers, inspectors and assistants, and other employees as shall be authorized from time to time. He may deputize such employees as may be necessary to carry out the functions of the Building Department.

(c) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises unsafe as defined in Section 203 of the Building Code, the Building Official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this Code; provided that if such building or premises be occupied, he shall first present proper credentials and demand entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Building Official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, to properly permit entry therein by the Building Official or his authorized representative for the purpose of inspection and examination pursuant to this Code. Any person violating this subdivision shall be guilty of a misdemeanor.

(d) Stop Orders. Whenever any work is being done contrary to the provisions of this Code, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work.

(e) Authority to Condemn Equipment. Whenever the Building Official learns or ascertains that any equipment, as defined in this Code, has become hazardous to life, health, or property, he shall order, in writing, that such equipment be restored to a condition of safety or be dismantled or removed from its present location. The written notice shall fix a time limit for compliance with such order. No person shall use or maintain the defective equipment after receiving such notice.

(f) Interpretation The language used in this Code is intended to convey the common and accepted meaning familiar to the plumbing industry

The Building Official is hereby authorized to determine the intent and meaning of any provision of this Code. Such determination shall be made in writing and a record kept, which shall be open to the public.

(g) Liability. The Building Official or any employee charged with the enforcement of this Code, acting in good faith and without malice for the jurisdiction in the discharge of his duties, shall not thereby render himself liable personally and he hereby is relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties. Any suit brought against the Building Official or employees, because of such act or omission performed by him in the enforcement of any provisions of this Code, shall be defended by the legal department of the jurisdiction until final termination of the proceedings.

SEC. 9-2.107. VIOLATIONS. That Section 132 be added to said Plumbing Code to read as follows:

Section 132. It shall be unlawful for any person, firm or corporation to erect, install, alter, repair, relocate, add to, replace, use, or maintain plumbing or drainage systems or parts thereof or appliances connected thereto in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this Code. Maintenance of equipment which was unlawful at the time it was installed and which would be unlawful under this Code if installed after the effective date of this Code, shall constitute a continuing violation of this Code.

SEC. 9-2.108. PERMIT REQUIRED. That Section 133 be added to said Plumbing Code to read as follows:

Section 133. (a) It shall be unlawful for any person to install, remove, alter, repair or replace or cause to be installed, removed, altered, repaired or replaced any plumbing, gas or drainage piping work or any fixture or water heating or treating equipment in a building or premises without first obtaining a permit to do such work from the Building Official.

(b) A separate permit shall be obtained for each building or structure.

SEC. 9-2.109. WORK NOT REQUIRING PERMIT. That Section 134 be added to said Plumbing Code to read as follows:

Section 134. No permit shall be required in the case of any repair work as follows: The stopping of leaks in drains, soil, waste or vent pipe, provided, however, that should any trap, drainpipe, soil, waste or vent pipe be or become defective and it becomes necessary to remove and replace the same with new material in any part or parts, the same shall be considered as such new work and a permit shall be procured and inspection made as hereinbefore provided. No permit shall be required for the clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, when such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

SEC. 9-2.110. TO WHOM PERMITS MAY BE ISSUED. That Section 135 be added to said Plumbing Code to read as follows:

Section 135. The following categories of plumbing permits may be issued:

(a) A regular plumbing permit may be issued to a person, firm or corporation holding a valid contractor's license issued by the State of California to perform such work in the City of Modesto.

(b) A special owner's permit may be issued to an individual authorizing said individual to do plumbing work in, on or about a building of which said individual is owner and in which he resides or intends to reside but not elsewhere; provided, that no plumbing work authorized under any such special owner's permit shall be done, nor shall the owner holding any such permit allow any such work to be done, except personally by the owner to whom the permit is issued, or by a member of his immediate family; and if this or any other provision hereof shall be violated by the holder of such special owner's permit, such permit shall be subject to immediate cancellation by the Building Official and the holder thereof shall be liable to the penalty herein provided for violation of this Code.

(c) A special permit may be issued to any appliance dealer to install appliances which require connection to the water distribution system, such as: evaporative coolers, air conditioners (requiring refrigeration as a cooling system) water softeners, lawn sprinkler systems, dish washers, garbage disposal units and garbage grinders not regularly classed as plumbing fixtures which are approved by the Building Official, and which will not contaminate or pollute the potable water system by reason of such installation; and provided, further, that all such appliance dealers shall show their qualifications to do such work by satisfactory on-the-job personnel. The issuance of such permit shall not be construed as allowing the installation of any waste pipe beyond the opening to receive the fixture trap and no trap or piping shall exceed two (2') feet from the vent pipe serving such trap.

SEC. 9-2.111. APPLICATION FOR PERMIT. That Section 136 be added to said Plumbing Code to read as follows:

Section 136. Any person legally entitled to apply for and receive a permit shall make such application on forms provided for that purpose. He shall give a description of the character of the work proposed to be done, and the location, ownership, occupancy and use of the premises in connection therewith. The Building Official may require plans, specifications, or drawings and such other information as he may deem necessary.

If the Building Official determines that the plans, specifications, drawings, descriptions or information furnished by the applicant is in compliance with this Code, he shall issue the permit applied for upon payment of the required fee as hereinafter fixed.

Applications for which no permit is issued within one hundred eighty (180) days following the date of application shall expire by limitation and plans submitted for checking may thereafter be returned to the applicant or destroyed by the Building Official.

SEC. 9-2.112. TELEPHONE PERMIT PROCEDURE. That Section 137 be added to said Plumbing Code to read as follows:

Section 137. 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 misdemeanor. Such a system may provide for the payment of permit fees on permits issued by telephone on an accounts receivable basis.

SEC. 9-2.113. VALIDITY AND LENGTH OF PERMIT. That Section 138 be added to said Plumbing Code to read as follows:

Section 138. (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.

The issuance of a permit based upon plans and specifications shall not prevent the Building Official from thereafter requiring the correction of errors in said plans and specifications or from preventing construction being carried on thereunder when in violation of this Code or of any other ordinance.

(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 twenty (120) days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty (120) days. Before such work can be recommenced a new permit shall be first obtained so to do, and the fee therefor shall be one-half (1/2) the amount required for 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 year.

(c) Suspension or Revocation. The Building Official may, in writing, suspend or revoke a permit issued under provisions of this Code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this Code.

SEC. 9-2.114. COST OF PERMIT. That Section 139 be added to said Plumbing Code to read as follows:

Section 139. 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 the following schedule, and at the rate provided for each classification shown herein.

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 proved 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.

For the purpose of this section a sanitary plumbing outlet on or to which a plumbing fixture or appliance may be set or attached shall be construed to be a fixture. Fees for reconnection and retest of existing plumbing systems in relocated buildings shall be based on the number of plumbing fixtures, gas systems, water heaters, etc., involved.

When interceptor traps or house trailer site traps are installed at the same time as a building sewer on any lot, no sewer permit shall be required for the connection of any such trap to an appropriate inlet fitting provided in the building sewer by the permittee constructing such sewer.

When a permit has been obtained to connect an existing building or existing work to the public sewer or to connect to a new private disposal facility, backfilling or private sewage disposal facilities abandoned consequent to such connection is included in the building sewer permit.

SCHEDULE OF FEES

For issuing each permit	\$ 3.50
In addition -	
For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping and backflow protection therefor)	1.75
For each building sewer and each trailer park sewer	5.75
Rainwater systems - per drain	2.30
For each cesspool	5.75
For each private sewage disposal system	11.50
For each water heater and/or vent	1.75
For each gas piping system of one (1) to five (5) outlets	1.75

For each gas piping system of six (6) or more, per outlet	. 35
For each industrial waste pre-treatment interceptor, including its trap and vent, excepting kitchen type grease interceptors functioning as fixture traps	1. 25
For installation, alteration or repair of water piping and/or water treating equipment	1. 75
For repair or alteration of drainage or vent piping	2. 00
For each lawn sprinkler system on any one meter including backflow protection devices therefor	2. 25
For vacuum breakers or backflow protective devices on tanks, vats, etc. or for installation on unprotected plumbing fixtures including necessary water piping - one(1) to five (5)	2. 25
Over five (5), each	. 35

For each reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. 10. 00

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. 9-2.115. INSPECTION. That Section 140 be added to said Plumbing Code to read as follows:

Section 140. All work for which a permit is obtained under this Code shall be inspected by the Building Official.

That portion of any work intended to be concealed shall not be concealed until inspected and approved.

When the work is complete, a second or final inspection shall be made.

A final inspection approval may, upon notice, be revoked, by the Building Official if he finds that the work fails in any respect to comply with the requirements of this Code, or that the installation is unsafe, dangerous, or a hazard to life or property.

SEC. 9-2.116. REQUEST FOR INSPECTION. That Section 141 be added to said Plumbing Code to read as follows:

Section 141. The Building Official may require that every request for inspection be filed at least one day before such inspection is desired. Such request may be in writing or by telephone at the option of the Building Official.

It shall be the duty of the person requesting inspection of any work regulated by this Code to provide access to and means for proper inspection of such work.

The Building Official shall not be liable for any expense entailed in the removal or replacement of any material required to allow the inspection.

SEC. 9-2.117. DANGEROUS AND INSANITARY CONSTRUCTION. That Section 142 be added to said Plumbing Code to read as follows:

Section 142. (a) Any portion of a plumbing system found by the Building Official to be insanitary as defined herein is hereby declared to be a nuisance.

(b) Whenever it is brought to the attention of the Building Official that any insanitary conditions exist or that any construction or work regulated by this Code is dangerous, unsafe, insanitary, a nuisance or a menace to life, health or property or otherwise is in violation of this Code, the Building Official, upon determining such information to be fact, shall order any person, firm or corporation using or maintaining any such condition or responsible for the use or maintenance thereof to discontinue the use or maintenance thereof or to repair, alter, change, remove or demolish the same as he may consider necessary for the proper protection of life, health or property and in the case of any gas piping or gas appliance may order any person, firm or corporation, supplying gas to such piping or appliance to discontinue supplying gas thereto until such piping or appliance is made safe to life, health or property.

Every such order shall be in writing, addressed to the owner, agent or person responsible for the premises in which such condition exists and shall specify the date or time for compliance with such order.

(c) Refusal, failure or neglect to comply with any such notice or order shall be considered a violation of this Code.

(d) When any plumbing system is maintained in violation of this Code and in violation of any notice issued pursuant to the provisions of this section or where a nuisance exists in any building or on a lot on which a building is situated, the Building Official shall institute any appropriate action or proceeding in any court of competent jurisdiction to prevent, restrain, correct, or abate the violation or nuisance.

SEC. 9-2.118. 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 or other approved areas exposed to rain water may be drained into the 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 rain water drainage to the storm water drainage system.

Rain water from roofs 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 storm drain.

Rain water from roofs or other approved areas may drain into a system of drainage piping designed to allow such drainage to be absorbed by the soil of the premises or may discharge upon the premises outside the building walls.

(c) No rain water from roofs or other rain water drainages of premises shall discharge upon a public sidewalk. When it is desired to conduct rain water 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 rain water 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 of approved standards.

(g) Except the feeding of rain water leader traps as herein required, no water leader or other rain water piping shall be used as a soil, waste or vent pipe nor shall any soil, waste or vent pipe be used as a rain water leader.

(h) Rain water leaders connecting to the storm water drainage system shall be effectively trapped if such water leader opening is within twelve (12') feet of a side or rear property line which does not abut on a public street or alley, or if such rain water 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 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 rain water drainage system is served by one 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 rain water 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 rain water 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 rain water leaders.

(j) Rain water from paved or unpaved areas shall not drain into the sanitary sewer system but may drain to the storm water drainage system. All such rain water 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. 9-2.119. COOLING WATER. That Section 609 of said Plumbing Code be amended to read as follows:

Section 609. (a) Evaporative coolers hereafter installed, replaced or repaired in any place of business of whatsoever nature shall be provided with a recirculating pump installed in a suitable pan constructed of galvanized metal or other material of equal durability. All water supplying such pans shall be provided with a float valve so installed that the outlet of such valve shall be set two (2") inches above the extreme overflow level of the pan. A shutoff valve shall be installed near the inlet to the float valve.

(b) Appliances, devices or apparatus not regularly classed as plumbing fixtures but which have drip or drainage outlets shall be drained by special waste pipes discharging into an approved hopper or floor drain which is properly trapped and vented.

(c) Clean running water used exclusively as a cooling medium in an appliance, device or apparatus (not regularly classed as plumbing fixture), not to exceed twenty-five (25) gallons per hour, may discharge into an approved plumbing fixture or hopper which is properly trapped and vented. Not more than twenty-five (25) gallons per hour of discharge from such appliance, device or apparatus will be allowed to any one place of business.

(d) Clean running water used exclusively as a cooling medium in excess of twenty-five (25) gallons per hour and not more than four (4) gallons per hour per front foot of the place of business and not more than two hundred (200) gallons per hour for any place of business or building may discharge into the street, gutter or any other location approved by the Director of Public Works. Any apparatus or device which discharges more than four (4) gallons per hour per front foot of any place of business and more than two hundred (200) gallons per hour for any place of business or building shall be so arranged that the cooling water can be re-used; such as cooling towers, evaporative condensers or other approved means, or may discharge into the public storm sewer if such storm sewer be available. All water used as a cooling medium shall be so arranged that the water discharging therefrom (except cooling towers or evaporative condensers) will be automatically shut off when the apparatus is not running.

(e) Approved backflow preventers shall be installed whenever necessary so that no water of whatsoever nature can be siphoned back into the potable water supply.

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 1973 Edition of the Uniform

Plumbing Code in lieu of the 1970 Edition, prescribe local fee schedules, prescribe local procedures to be used in the administration and enforcement of said Code, provide for the clarification and recording of local interpretations of said Code, and make other changes in said Code consistent with local custom and practice as reflected in the prior local plumbing code.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation on and after July 1, 1974.

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

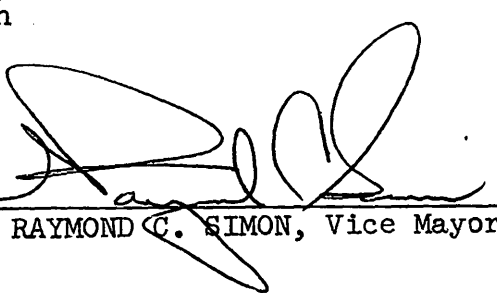
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 1974, by Councilman Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton
Vice Mayor Simon

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED:


RAYMOND C. SIMON, Vice Mayor

ATTEST:

By 
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 6th day of May, 1974, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: June 5, 1974

ORDINANCE NO. 1355 -C. S.

AN ORDINANCE AMENDING 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. Chapter 7 of Title IX of the Modesto Municipal Code is hereby amended to read as follows:

CHAPTER 7 - MECHANICAL CODE
ARTICLE 1. GENERAL PROVISIONS

SEC. 9-7.101. 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, 1973 Edition", published by the International Association of Plumbing and Mechanical Officials and the International Conference of Building Officials, together with Appendix A, B and C thereto, which said Code provides for proper regulations for erecting, installing, altering, repairing, relocating, replacing, adding to, use or maintenance of, any heating, ventilating, comfort cooling, refrigeration systems, incinerators or 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. 9-7.102. INTERPRETATION. That Section 106 be added to said Mechanical Code to read as follows:

Section 106. The language used in this Code is intended to convey the common and accepted meaning familiar to the mechanical industry.

The Building Official is hereby authorized to determine the intent and meaning of any provision of this Code. Such determination shall be made in writing and a record kept, which shall be open to the public.

SEC. 9-7.103. NONRESPONSIBILITY OF CITY. That subsection (f) of Section 201 of said Mechanical Code be amended to read as follows:

(f) Nonresponsibility of City. Neither the City nor any department, nor any board, commission, officer or employee thereof shall be held liable or responsible for any damage or injury caused by or resulting from the issuance of or failure to issue or the revocation of any permit or certificate of inspection or the making of any inspection made under the provisions of this Code.

SEC. 9-7.104. VIOLATIONS. That Section 202 of said Mechanical Code be amended to read as follows:

Section 202. It shall be unlawful for any person, firm, or corporation to erect, install, alter, repair, relocate, add to, replace, use, or maintain heating, ventilating, cooling, or refrigeration equipment in the jurisdiction, or cause the same to be done, contrary to or in violation of any of the provisions of this Code. Maintenance of equipment which was unlawful at the time it was installed and which would be unlawful under this Code if installed after the effective date of this Code, shall constitute a continuing violation of this Code.

SEC. 9-7.105. BOARD OR APPEALS. That Section 203 of said Mechanical Code is hereby deleted.

SEC. 9-7.106. PERMIT FEES. That Section 304 of said Mechanical Code be amended to read as follows:

Section 304. Any person desiring a permit required by this Code, shall, at the time of filing an application therefor, pay a fee as required by this section.

- | | | |
|-----|--|---------|
| (a) | For the issuance of each permit | \$ 3.50 |
| (b) | For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance up to and including 100,000 B.t.u.'s | 4.50 |
| (c) | For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance over 100,000 B.t.u.'s | 5.75 |
| (d) | For the installation or relocation of each floor furnace, including vent | 4.50 |
| (e) | For the installation or relocation of each suspended heater, recessed wall heater or floor mounted unit heater | 4.50 |
| (f) | For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit | 2.25 |
| (g) | For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption, or evaporative cooling system, including installation of controls regulated by this Code | 4.50 |
| (h) | For the installation or relocation of each boiler or compressor to and including three (3) horsepower, or each absorption system to and including 100,000 B.t.u.'s | 4.50 |
| (i) | For the installation or relocation of each boiler or compressor over three (3) horsepower to and including fifteen (15) horsepower, or each absorption system over 100,000 B.t.u.'s to and including 500,000 B.t.u.'s | 8.50 |
| (j) | For the installation or relocation of each boiler or compressor over fifteen (15) horsepower to and including thirty (30) horsepower, or each absorption system over 500,000 B.t.u.'s to and including 1,000,000 B.t.u.'s | 11.50 |
| (k) | For the installation or relocation of each boiler or compressor over thirty (30) horsepower to and including fifty (50) horsepower, or for each absorption system over 1,000,000 B.t.u.'s to and including 1,750,000 B.t.u.'s | 17.25 |

(l)	For the installation or relocation of each boiler or refrigeration compressor over fifty (50) horsepower, or each absorption system over 1,750,000 B. t. u. 's	28.75
(m)	For each air handling unit to and including 10,000 cubic feet per minute, including ducts attached thereto	3.50
	<u>Note:</u> This fee shall not apply to an air handling unit which is a portion of a factory assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in this Code.	
(n)	For each air handling unit over 10,000 cubic feet per minute	5.75
(o)	For each evaporative cooler other than portable type	3.50
(p)	For each ventilation fan connected to a single duct	2.25
(q)	For each ventilation system which is not a portion of any heating or air conditioning system authorized by a permit	3.50
(r)	For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood	3.50
(s)	For the installation or relocation of each domestic type incinerator	5.75
(t)	For the installation or relocation of each commercial or industrial type incinerator	23.00
(u)	For each appliance or piece of equipment regulated by this Code but not classed in other appliance categories, or for which no other fee is listed in this Code	3.50
(v)	For each reinspection when such portion of the work for which inspection is called, is not complete or when corrections called for are not made	10.00

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.

SEC. 9-7.107. TELEPHONE PERMIT PROCEDURE. That Section 307 be added to said Mechanical Code to read as follows:

Section 307. 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 misdemeanor. Such a system may provide for the payment of permit fees on permits issued by telephone on an accounts receivable basis.

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 1973 Edition of the Uniform Mechanical Code in lieu of the 1970 Edition, prescribe local fee schedules, prescribe local procedures to be used in the administration and enforcement of said Code, provide for the clarification and recording of local interpretations of said Code, and make other changes in said Code consistent with local custom and practice as reflected in the prior local mechanical code.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation on and after July 1, 1974.

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

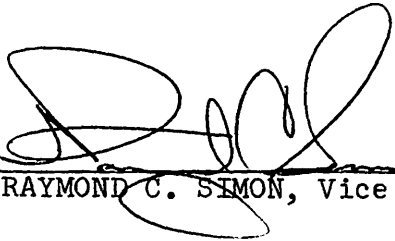
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 1974, by Councilman Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Vice Mayor Simon

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED:


RAYMOND C. SIMON, Vice Mayor

ATTEST:

By 
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

Ord. No. 1355-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 6th day of May, 1974, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Dunlap

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: June 5, 1974

AN ORDINANCE AMENDING SECTION 3-2.1504 OF ARTICLE 15 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO PARKING METERS.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.1504 of Article 15 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.1504. TIME LIMIT AND RATES OF FEES. It shall be unlawful for any person to cause, allow, permit, or suffer any vehicle registered in his name or operated or controlled by him to be parked in any parking space for more than the time indicated by proper signs placed on such parking meter or zone indicating the maximum parking time allowed in such parking space or any time during which the meter is displaying a signal indicating that the space is illegally in use, except during the time necessary to set the said meter to show legal parking. Each period of overparking for more than the period stated on the time limit sign constitutes a separate offense.

The time limits for the parking of vehicles in parking meter zones are hereby established as follows:

- (a) PM-1 The time limits for legal parking in PM-1 zone shall be those established by the Director based on engineering surveys.
- (b) PM-2 Three (3) hour limit, 9 a.m. to 10 p.m. daily.
- (c) PM-3 No time limit, 9 a.m. to 10 p.m. daily.
- (d) PM-4 No time limit, 7:30 a.m. to 5:00 p.m., Sundays excepted.
- (e) PM-5 No time limit, 9:00 a.m. to 4:30 p.m., Sundays excepted.
- (f) PM-6 Three (3) hour limit, 9 a.m. to 6 p.m., Sundays excepted.
- (g) PM-7 No time limit, 9 a.m. to 10 p.m. daily.
- (h) PM-8 Five (5) hour limit, 9 a.m. to 6 p.m. daily.
- (i) PM-9 No time limit, 9 a.m. to 6 p.m., Sundays excepted.
- (j) PM-10 No time limit, 9 a.m. to 10 p.m. daily.
- (k) PM-11 No time limit, 9 a.m. to 9 p.m. daily.

The rates of fees for parking in the parking meter zones shall be as follows:

- (a) PM-1 One cent per twelve (12) minutes or fraction.
- (b) PM-2 Five (5¢) cents per one-half (1/2) hour or fraction.
- (c) PM-3 Five (5¢) cents per one hour or fraction.
- (d) PM-4 Five (5¢) cents per two and one-half (2 1/2) hours or fraction.

(e) PM-5 Five (5¢) cents for one and one-half (1 1/2) hours or fraction; thirty (30¢) cents for all day.

(f) PM-6 Five (5¢) cents per one-half (1/2) hour or fraction.

(g) PM-7 Five (5¢) cents per one-half (1/2) hour or fraction.

(h) PM-8 Five (5¢) cents per one-half (1/2) hour or fraction.

(i) PM-9 Five (5¢) cents per one-half (1/2) hour or fraction.

(j) PM-10 Five (5¢) cents per one hour or fraction.

(k) PM-11 Twenty-five (25¢) cents per one hour or fraction.

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

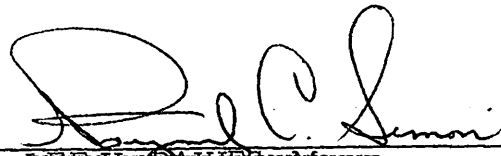
SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 1974, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Vice Mayor Simon

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED: 
~~XXXXXXXXXXXXXXXXXXXX~~
RAYMOND C. SIMON, Vice Mayor

ATTEST:
By 
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:
By 
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 6th day of May, 1974, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and the ordinance adopted by the following vote:


- AYES: Councilmen: Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Dunlap

APPROVED



LEE H. DAVIES, Mayor

ATTEST:



W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: June 5, 1974

AN ORDINANCE REPEALING SECTIONS 4-2.12 AND 4-2.14 OF CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO SALE OF CHICKS, RABBITS, DUCKLINGS OR OTHER FOWL.

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

SECTION 1. REPEALS. Sections 4-2.12 and 4-2.14 of Chapter 2 of Title IV of the Modesto Municipal Code are hereby repealed.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 1974, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmen: Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: Dunlap

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1357-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 May, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Kullijian, Simon, Mayor Davies


NOES: Councilmen: None

ABSENT: Councilmen: Elliott, Mensinger, Newton

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: June 12, 1974

AN ORDINANCE AMENDING SECTION 3-8.16 OF CHAPTER 8 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO AMBULANCES.

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

SECTION 1. AMENDMENT OF CODE. Section 3-8.16 of Chapter 8 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-8.16. ISSUANCE OF PERMIT. (a) The Chief of Police shall issue a permit when he finds that the applicant:

- (1) For a driver's permit is of the age of eighteen (18) years or over;
- (2) For an attendant's permit is of the age of eighteen (18) years or over;
- (3) Is morally fit for the position;
- (4) Is able to speak, read and write the English language;
- (5) Has minimum first-aid training as required by the Chief of Police in accordance with current accepted standards for ambulance drivers and attendants; and
- (6) Has complied with the requirements of this chapter and all other governing laws and ordinances.

(b) No permit shall be issued to any of the following persons:

- (1) Any person who has been convicted of a crime involving moral turpitude, use or possession of narcotics, or for operating a vehicle under the influence of intoxicating liquor within the five (5) years immediately preceding application for a permit; or
- (2) Any person employed by a funeral home.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 1974, by Councilman Simon, who moved its introduction and passage to print,

which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Elliott, Kullijian, Mensinger, Newton, Simon,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap

APPROVED:

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By

W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

Ord. No. 1358-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 May, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Kullijian, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott, Mensinger, Newton

APPROVED 
LEE H. DAVIES, Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: June 12, 1974

AN ORDINANCE ADOPTING A SPECIFIC PLAN FOR DALE ROAD BETWEEN BRIGGSMORE AVENUE AND BECKWITH ROAD.

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

SECTION 1. NECESSITY FOR ESTABLISHMENT OF RIGHT-OF-WAY FOR DALE ROAD BETWEEN BRIGGSMORE AVENUE AND BECKWITH ROAD. The proposed revised Modesto Urban Area General Plan designates that section of Dale Road between Briggsmore Avenue and Beckwith Road adjacent to the northeasterly line of U. S. 99 Freeway as a modified major street. In order to protect the future right-of-way for said section of Dale Road from encroachment by new construction, it is desirable and necessary for the City of Modesto to adopt a specific plan for Dale Road between Briggsmore Avenue and Beckwith Road.

SECTION 2. ADOPTION OF SPECIFIC PLAN. That certain specific plan for the right-of-way of Dale Road between Briggsmore Avenue and Beckwith Road titled "Specific Plan Line, Dale Road, Briggsmore Avenue to Beckwith Road" dated January 29, 1974, consisting of five (5) pages, is hereby adopted. Copies of said specific plan are on file in the offices of the City Clerk and the Director of Public Works, and by this reference made a part hereof as though set forth in full herein.

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

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

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

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

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

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

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

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 1974, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Bob Campbell
Public Works Department J.L.C. - G
2-17-74

DALE ROAD

Specific Plan for Right of Way, from Briggsmore Avenue to Beckwith Road.

A right of way thirty (30.00) feet on the Left of the established center line and varying in width from thirty (30.00) feet to fifty (50.00) feet on the Right of the established center line, described as follows:

Commencing at a point on the proposed center line of West Briggsmore Avenue, said point being South $00^{\circ} 19' 20''$ East, 4.85 feet, and South $79^{\circ} 17' 54''$ West, 46.29 feet, from the Section Corner common to Sections 13 and 24, Township 3 South, Range 8 East, and Sections 18 and 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian; thence continuing South $79^{\circ} 17' 54''$ West, 111.83 feet, to the true point of beginning of this description; thence along a right of way 30.00 feet to the Left of and varying from more than 50.00 feet to not less than 30.00 feet to the Right of the established center line described as follows; South $79^{\circ} 17' 54''$ West, 61.85 feet; thence along a tangent curve concave to the North, having a Radius of 803.00 feet, a Central Angle of $38^{\circ} 32' 11''$ and an Arc Length of 540.09 feet; thence along a tangent line, North $62^{\circ} 09' 55''$ West, 179.30 feet; thence along a tangent curve concave to the Northeast, having a Radius of 2000.00 feet, a Central Angle of $06^{\circ} 55' 55''$ and an Arc Length of 241.97 feet, from which point a radial line bears North $34^{\circ} 46' 00''$ East; thence along a right of way 30.00 feet, to the Left of and varying from 30.00 feet to 42.00 feet to the Right of the established center line described as follows; continuing on said curve concave to the Northeast, having a Radius of 2000.00 feet, a Central Angle of $00^{\circ} 25' 33''$ and an Arc Length of 14.86 feet, from which point a radial line bears North $35^{\circ} 11' 33''$ East; thence along a right of way 30.00 feet to the Left of and 42.00 feet to the right of the established center line described as follows; continuing on said curve concave to the Northeast, having a Radius of 2000.00 feet, a Central Angle of $11^{\circ} 41' 16''$ and an Arc Length of 407.98 feet; thence along a tangent line, North $43^{\circ} 07' 11''$ West, 2575.17 feet, to its intersection with the Southeastern line of Lot 2 of Block 6341 of the HIGHWAY VILLAGE Subdivision, as per map filed April 25, 1947 in Volume 16 of Maps, Page 41, Stanislaus County Records; thence along a right of way 30.00 feet to the Left of and 50.00 feet to the Right of the established center line described as follows; North $43^{\circ} 07' 11''$ West, 2106.17 feet, to a point on the Northwestern line of a 60.00 foot public road known as Brenner Way, said line also being a Northwestern line of said Highway Village Subdivision; thence along a right of way 30.00 feet to the Left of and 42.00 feet to the Right of the established center line described as follows; continuing North $43^{\circ} 07' 11''$ West, 417.88 feet; thence along a tangent curve concave to the Northeast, having a Radius of 1600.00 feet, a Central Angle of $42^{\circ} 35' 11''$ and an Arc Length of 1189.24 feet; thence along a tangent line, North $00^{\circ} 32' 00''$ West, 207.73 feet; thence along a tangent curve concave to the Southwest, having a Radius of 1080.00 feet, a Central Angle of $41^{\circ} 41' 22''$ and an Arc Length of 785.83 feet, to its intersection with the proposed center line of Beckwith Road, from which point a radial line bears South $47^{\circ} 46' 38''$ West, and the end of this description.

Exhibit "A"

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 May, 1974, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: June 19, 1974

AN ORDINANCE ADOPTING A SPECIFIC PLAN FOR SISK ROAD BETWEEN BECKWITH ROAD AND PELANDALE AVENUE.

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

SECTION 1. NECESSITY FOR ESTABLISHMENT OF RIGHT-OF-WAY FOR SISK ROAD BETWEEN BECKWITH ROAD AND PELANDALE AVENUE. The proposed revised Modesto Urban Area General Plan designates that section of Sisk Road between Beckwith Road and Pelandale Avenue adjacent to the northeasterly line of U. S. 99 Freeway as a modified major street. In order to protect the future right-of-way for said section of Sisk Road from encroachment by new construction, it is desirable and necessary for the City of Modesto to adopt a specific plan for Sisk Road between Beckwith Road and Pelandale Avenue.

SECTION 2. ADOPTION OF SPECIFIC PLAN. That certain specific plan for the right-of-way of Sisk Road between Beckwith Road and Pelandale Avenue titled "Specific Plan Line, Sisk Road, Beckwith Road to Pelandale Avenue" dated January 29, 1974, consisting of three (3) pages, is hereby adopted. Copies of said specific plan are on file in the offices of the City Clerk and the Director of Public Works, and by this reference made a part hereof as though set forth in full herein.

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

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

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

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

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

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

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

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 1974, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Kullijian, Mensinger, Newton, Simon,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By R. A. Hayward
Public Works Department
4-17-74

SISK ROAD

Specific Plan for Right of Way, Beckwith Road to Pelandale Avenue.

A right of way thirty (30.00) feet on the Left of the established center line and varying in width from forty-two (42.00) feet to fifty (50.00) feet on the Right of the established center line, described as follows:

Commencing at the intersection of the proposed center line of Beckwith Road and the East line of Section 11, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, from which point a radial line bears South $13^{\circ} 41' 35''$ East, said point also being North $00^{\circ} 19' 18''$ West, 1126.93 feet, from the Southeastern corner of said Section 11; thence Southwesterly along said center line of Beckwith Road on a non-tangent curve concave to the Southeast, having a Radius of 1000.00 feet, a Central Angle of $16^{\circ} 57' 54''$ and an Arc Length of 296.10 feet, to its intersection with the center line of Sisk Road, from which point a radial line bears South $30^{\circ} 39' 29''$ East, and the true point of beginning of this description; thence along a right of way 30.00 to the Left of and 50.00 feet to the Right of the established center line described as follows; from a radial line bearing of South $47^{\circ} 46' 38''$ West, thence Northwesterly along a non-tangent curve concave to the Southwest, having a Radius of 1080.00 feet, a Central Angle of $22^{\circ} 57' 47''$ and an Arc Length of 432.84 feet, from which point a radial line bears South $24^{\circ} 48' 51''$ West; thence along a right of way 30.00 feet to the Left of and varying from 50.00 feet to 42.00 feet to the Right of the established center line described as follows; continuing Northwesterly along said curve concave to the Southwest, having a Radius of 1080.00 feet, a Central Angle of $00^{\circ} 52' 30''$ and an Arc Length of 16.49 feet, from which point a radial line bears South $23^{\circ} 56' 21''$ West; thence along a right of way 30.00 feet to the Left of and 42.00 feet to the Right of the established center line described as follows; continuing Northwesterly along said curve concave to the Southwest, having a Radius of 1080.00 feet, a Central Angle of $08^{\circ} 05' 05''$ and an Arc Length of 152.39 feet, from which point a radial line bears South $15^{\circ} 51' 16''$ West; thence along a tangent line, North $74^{\circ} 08' 44''$ West, 652.32 feet; thence Northwesterly along a tangent curve concave to the Northeast, having a Radius of 2000.00 feet, a Central Angle of $25^{\circ} 29' 36''$ and an Arc Length of 889.89 feet; thence along a tangent line, North $48^{\circ} 39' 08''$ West, 635.00 feet; thence Northwesterly along a tangent curve concave to the Northeast, having a Radius of 4000.00 feet, a Central Angle of $05^{\circ} 31' 57''$ and an Arc Length of 386.24 feet; thence along a tangent line, North $43^{\circ} 07' 11''$ West, 2503.84 feet; thence Northwesterly along a tangent curve concave to the Northeast, having a Radius of 3000.00 feet, a Central Angle of $09^{\circ} 20' 14''$ and an Arc Length of 488.90 feet; thence along a tangent line, North $33^{\circ} 46' 57''$ West, 349.65 feet; thence Northwesterly along a tangent curve concave to the Northeast, having a Radius of 3000.00 feet, a Central Angle of $02^{\circ} 51' 11''$ and an Arc Length of 149.39 feet, to a point on the Northern line of said Section 11, from which point a radial line bears South $59^{\circ} 04' 14''$ West, and the end of this description.

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 May, 1974, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Simon, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Newton

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: June 19, 1974

AN ORDINANCE ADOPTING A SPECIFIC PLAN FOR DALE ROAD BETWEEN STANDIFORD AVENUE AND THE NORTH CITY LIMITS.

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

SECTION 1. NECESSITY FOR ESTABLISHMENT OF RIGHT-OF-WAY FOR DALE ROAD BETWEEN STANDIFORD AVENUE AND THE NORTH CITY LIMITS LINE.

The proposed revised Modesto Urban Area General Plan designates that section of Dale Road between Standiford Avenue and Kiernan Avenue as a major street. In order to protect the future right-of-way for said section of Dale Road from encroachment by new construction, it is desirable and necessary for the City of Modesto to adopt a specific plan for Dale Road between Standiford Avenue and the north city limits line.

SECTION 2. ADOPTION OF SPECIFIC PLAN. That certain specific plan for the right-of-way of Dale Road between Standiford Avenue and the north city limits line titled "Specific Plan Line, Dale Road, Standiford Road to North City Limits" dated February 2, 1974, consisting of two (2) pages, is hereby adopted. Copies of said specific plan are on file in the offices of the City Clerk and the Director of Public Works, and by this reference made a part hereof as though set forth in full herein.

SECTION 3. DESCRIPTION OF RIGHT-OF-WAY. The right-of-way of Dale Road between Standiford Avenue and the north city limits line is described on the attached Exhibit "A", and by this reference made a part hereof as though set forth in full herein.

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

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

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

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

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

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

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 1974, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott

APPROVED:

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By R. A. Rosewood
Public Works Department

JCC
4-17-74

April 1, 1974

DALE ROAD

Specific Plan for Right of Way, from Standiford Avenue to the North City Limits.

A right of way varying in width from fifty (50.00) feet to fifty-two (52.00) feet on the Left of and 50.00 feet on the Right of the established center line, described as follows:

Beginning at a point on the East line of Section 11, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, said point being South 00° 19' 18" East, 1517.46 feet, from the East quarter corner of said Section 11; thence along a right of way 52.00 feet Left of and 50.00 feet Right of the established center line described as follows; North 00° 19' 18" West, 2073.04 feet, to a point which is North 00° 19' 18" West, 555.58 feet, from said East quarter corner of Section 11; thence along a right of way 50.00 feet Left of and 50.00 feet Right of the established center line, described as follows; North 00° 19' 18" West, 1430.90 feet, to the North City Limits and the end of this description.

Exhibit "A"

Ord. No. 1361-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 May, 1974, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Simon, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Newton

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: June 19, 1974

AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE AND ADDING SECTION 3-2.1401.1 THERETO 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 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. 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 North 9th Street and Prichard Avenue	40 miles per hour
BRIGGSMORE AVENUE, (eastbound) between 1,000 feet west of Coffee Road and Coffee Road	40 miles per hour
BRIGGSMORE AVENUE, (westbound) between 1,000 feet east of Coffee Road and Coffee Road	40 miles per hour
BRIGGSMORE AVENUE, (eastbound) between Coffee Road and Oakdale Road	50 miles per hour
BRIGGSMORE AVENUE, (westbound) between Oakdale Road and 1,000 feet east of Coffee Road	50 miles per hour
BRIGGSMORE AVENUE, between McHenry Avenue and Tully Road	30 miles per hour
BRIGGSMORE AVENUE, between Tully Road and 9th Street	35 miles per hour
BRIGHTON AVENUE, between Wylie Drive and Coffee Road	25 miles per hour
CARPENTER ROAD, between Blue Gum Avenue and Maze Boulevard within the City limits	50 miles per hour
CARPENTER ROAD, between California Avenue and Maze Boulevard	40 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
COFFEE ROAD, between Scenic Drive and M.I.D. Lateral #3	30 miles per hour
COFFEE ROAD, between M.I.D. Lateral #3 and Floyd Avenue	35 miles per hour
COFFEE ROAD, between Floyd Avenue and Sylvan Avenue	40 miles per hour
COLLEGE AVENUE, between Durant Street and Rumble Road	25 miles per hour
CONANT AVENUE, between North 9th Street and Rumble Road	35 miles per hour
DEL VALE AVENUE, between Del Vista Avenue and Greenwood Drive	25 miles per hour
EMERALD AVENUE, between Maze Boulevard and Kansas Avenue within the City limits	25 miles per hour
ENCINA AVENUE, between Covena Avenue and Santa Ana Avenue	25 miles per hour
ENSLER AVENUE, between Granger Avenue and Orangeburg Avenue	25 miles per hour
FAIRMONT AVENUE, between Virginia Avenue and McHenry Avenue	25 miles per hour
FRANKLIN STREET, between Maze Boulevard and Laurel Avenue	25 miles per hour
GRAPE AVENUE, between Pearl Street and Evergreen Avenue	25 miles per hour
GRISWOLD AVENUE, from Virginia Avenue to McHenry Avenue	25 miles per hour
HADDON AVENUE, between La Loma Avenue and Conejo Avenue	25 miles per hour
HATCH ROAD, within the City limits	35 miles per hour
JEFFERSON STREET, from Paradise Road to 8th Street	25 miles per hour
K STREET, between Washington Street and 9th Street	25 miles per hour
KEARNEY AVENUE, between Coldwell Avenue and Glenwood Drive	25 miles per hour
LA LOMA AVENUE, between Burney Street and Buena Vista	25 miles per hour
LEGION PARK ROAD, between Santa Cruz Avenue and Conejo Avenue	25 miles per hour
LEVELAND LANE, between College Avenue and TSRR tracks	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 Tuolumne Boulevard and Sunset Avenue	25 miles per hour
OAKDALE ROAD, between Scenic Drive and Orangeburg Avenue	30 miles per hour
OAKDALE ROAD, north of Orangeburg Avenue within the City limits	50 miles per hour
ORANGEBURG AVENUE, between Oakdale Road and 1,000 feet east of Oakdale Road	40 miles per hour
ORANGEBURG AVENUE, between 1,000 feet east of Oakdale Road and 2,650 feet east of Lakewood Avenue	45 miles per hour
ORANGEBURG AVENUE, between Martin Avenue and Prescott Road	25 miles per hour
PEARL STREET, between Carver Road and west end of Pearl Street	25 miles per hour
PRESCOTT ROAD, between Briggsmore Avenue and Rumble Road	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
RUMBLE ROAD, between Dale Road and Conant Avenue	35 miles per hour
RUMBLE ROAD, between Tully Road and McHenry Avenue	25 miles per hour
SCENIC DRIVE, between 300 feet west of Rose Avenue and Oakdale Road	35 miles per hour
SHERWOOD AVENUE, between Orangeburg Avenue and Briggsmore Avenue	25 miles per hour
STANDIFORD AVENUE, between Tully Road and 1,106' west of Tully Road	45 miles per hour
STANDIFORD AVENUE, between Tidewater Southern Railroad and McHenry Avenue	35 miles per hour
STODDARD AVENUE, between McHenry Avenue and Virginia Avenue	25 miles per hour
VENEMAN ROAD, between Dale Road and easterly City limits	55 miles per hour

WESTERN WAY, between Sutter Avenue and Roselawn Avenue	25 miles per hour
WHITMORE AVENUE, between Tidewater Southern Railroad and 592' west of Tidewater Southern Railroad Tracks	50 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, on the Tuolumne River Bridge	40 miles per hour
9TH STREET, between north end of the Tuolumne River Bridge and D Street	30 miles per hour
9TH STREET, between P Street and Tully Road	35 miles per hour
9TH STREET, between Tully Road and Shoemake Avenue	50 miles per hour

SECTION 2. AMENDMENT OF CODE. Section 3-2.1401.1 is hereby added to

Article 14 of Chapter 2 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-2.1401.1. CHANGE IN SPEED LIMITS SET BY STATE LAW: FOR PURPOSES OF ENFORCEMENT USING RADAR OR OTHER ELECTRONIC DEVICE. By authority contained in California Vehicle Code Sections 22357 and 22358, upon the basis of engineering and traffic surveys conducted pursuant to Vehicle Code Sections 627 and 40802, and Chapter 8 (dated January 1971) of the Traffic Manual of the Department of Public Works, Business and Transportation Agency, State of California, issued by the Division of Highways, it is hereby determined 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 the prima facie speed limits hereinafter set forth are established according to said Traffic Manual Provisions at or near the 85th percentile speed as calculated by the engineering and traffic survey for each street on the date indicated.

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>	<u>DATE SURVEYED</u>
BOWEN AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	July 26, 1973
BRIGGSMORE AVENUE, westbound between Coffee Road and McHenry Avenue	45 miles per hour	May 16, 1973
BRIGGSMORE AVENUE, eastbound between McHenry Avenue and 1,000 feet west of Coffee Road	45 miles per hour	May 16, 1973
CARVER ROAD, between 9th Street and Roseburg Avenue	30 miles per hour	July 26, 1973
CARVER ROAD, between Roseburg Avenue and Standiford Avenue	35 miles per hour	July 26, 1973
CELESTE DRIVE, between Oakdale Road and Coffee Road	30 miles per hour	February 28, 1974
COLLEGE AVENUE, between Prince- ton Avenue and Bowen Avenue	35 miles per hour	July 19, 1973
EL VISTA AVENUE, between Yosemite Boulevard and Scenic Drive	35 miles per hour	July 26, 1973
EMERALD AVENUE, between Maze Boulevard and California Avenue within the City limits	30 miles per hour	May 1, 1974
FAIRMONT AVENUE, between Sunrise Avenue and Coffee Road	30 miles per hour	February 5, 1974
FLOYD AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	July 26, 1973
FLOYD AVENUE, between Coffee Road and 1,600' west of Oakdale Road	35 miles per hour	January 23, 1974

FRANKLIN STREET, between California Avenue and Maze Boulevard	30 miles per hour	July 28, 1973
GRANGER AVENUE, between Tully Road and Sunrise Avenue	30 miles per hour	April 30, 1974
LA LOMA AVENUE, between Buena Vista and Yosemite Boulevard	30 miles per hour	August 2, 1973
MILLER AVENUE, between La Loma Avenue and El Vista Avenue	30 miles per hour	July 28, 1973
MITCHELL ROAD, between Finch Road and 1,326' south of Finch Road	50 miles per hour	May 22, 1973
MORRIS AVENUE, between McHenry Avenue and Coffee Road	30 miles per hour	July 27, 1973
MT. VERNON AVENUE, between Prescott Road and College Avenue	30 miles per hour	May 1, 1974
NORWEGIAN AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	May 1, 1974
ORANGEBURG AVENUE, between Carver Road and McHenry Avenue	35 miles per hour	May 18, 1973
E. ORANGEBURG AVENUE, between McHenry Avenue and Coffee Road within the City limits	35 miles per hour	April 30, 1974
ROSE AVENUE, between Scenic Drive and Briggsmore Avenue	35 miles per hour	July 26, 1973
ROSE AVENUE, between Briggsmore Avenue and Floyd Avenue	30 miles per hour	July 26, 1973
ROSEBURG AVENUE, between Carver Road and McHenry Avenue	30 miles per hour	April 30, 1974
E. RUMBLE ROAD, between McHenry Avenue and Coffee Road within the City limits	35 miles per hour	March 13, 1974
W. RUMBLE ROAD, between Conant Avenue and Tully Road	30 miles per hour	April 8, 1974
SUNRISE AVENUE, between Lucern Avenue and Floyd Avenue	30 miles per hour	March 19, 1974
SUTTER AVENUE, between Paradise Avenue and Robertson Road	30 miles per hour	July 28, 1973
SYLVAN AVENUE, between McHenry Avenue and Oakdale Road within the City limits	45 miles per hour	March 8, 1974
TULLY ROAD, between Coldwell Avenue and Standiford Avenue	35 miles per hour	May 16, 1973
TUOLUMNE BOULEVARD, between 7th Street and Paradise Avenue	35 miles per hour	May 21, 1973
VIRGINIA AVENUE, between Needham Street and Roseburg Avenue	35 miles per hour	April 12, 1974
WOODROW AVENUE, between McHenry Avenue and Tully Road within the City limits	30 miles per hour	February 4, 1974

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

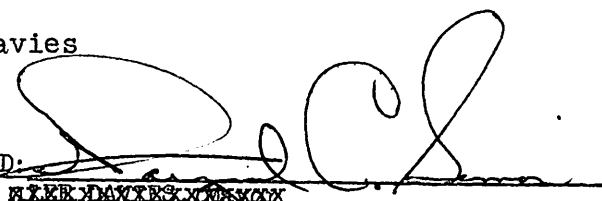
SECTION 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.


The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 1974, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mensinger, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Kullijian, Mensinger, Newton, Vice Mayor Simon

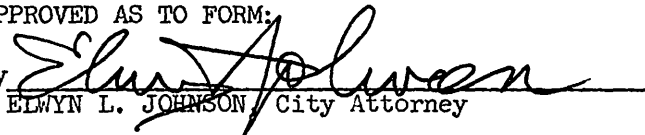
NOES: Councilmen: None

ABSENT: Councilmen: Elliott, Mayor Davies

APPROVED: 
~~RAYMOND C. SIMON~~
RAYMOND C. SIMON
Vice Mayor

ATTEST:
By 
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:
By 
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 20th day of May, 1974, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: June 19, 1974

AN ORDINANCE AMENDING SECTION 2-1.10 OF CHAPTER 1 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO CITY COUNCIL ORGANIZATION AND PROCEDURE.

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

SECTION 1. AMENDMENT OF CODE. Section 2-1.10 of Chapter 1 of Title II of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 2-1.10 RULES OF DEBATE.

(a) Presiding Officer May Debate. The Mayor or such other member of the Council as may be presiding may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed upon all members. He shall not be deprived of any of the rights and privileges of a Councilman by reason of his acting as the Presiding Officer.

(b) Getting the Floor. Every member desiring to speak shall address the Chair, and, upon recognition by the Presiding Officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.

(c) Interruptions. A member once recognized, shall not be interrupted when speaking unless it be to call him to order, or as herein otherwise provided. If a member, while speaking be called to order, he shall cease speaking until the question of order be determined, and, if in order, he shall be permitted to proceed.

(d) Privilege of Closing Debate. The Councilman moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

(e) Motion to Reconsider. A motion to reconsider any action taken by the Council may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or other motion at a subsequent meeting of the Council.

(f) Remarks of Councilman. A Councilman may request through the Presiding Officer, the privilege of having an abstract of his statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes.

(g) Synopsis of Debate. The Clerk may be directed by the Presiding Officer with consent of the Council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Council.

(h) Rules of Order. Except as otherwise provided in this chapter, the current edition of "Sturgis Standard Code of Parliamentary Procedure" shall govern the conduct of the meetings of 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 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of May, 1974, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:
By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:
By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the ^{adjourned} regular meeting of the Council of the City of Modesto held on the 28th day of May, 1974, Councilman Kullijian moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Simon

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: June 27, 1974

ORDINANCE NO. 1364 -C. S.

AN ORDINANCE AMENDING SECTIONS 10-2.210, 10-2.273, 10-2.801, 10-2.1505, 10-2.1605, 10-2.1610, 10-2.1612, 10-2.1618, 10-2.1703, 10-2.2903, 10-2.2903.2, 10-2.2904, 10-2.2905, 10-2.2906, 10-2.3001, 10-2.3002, 10-2.3003, 10-2.3004, 10-2.3005, 10-2.3006, 10-2.3007 AND 10-2.3009 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE; AMENDING ARTICLES 5, 6 AND 7 OF CHAPTER 2 OF TITLE X; ADDING SECTIONS 10-2.3002.1 AND 10-2.3002.2 TO CHAPTER 2 OF TITLE X; AND REPEALING SECTIONS 10-2.216, 10-2.219, 10-2.1613, 10-2.1614, 10-2.1619 AND 10-2.3010 OF CHAPTER 2 OF TITLE X RELATING TO THE ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 10-2.210, 10-2.273, 10-2.801, 10-2.1505, 10-2.1605, 10-2.1610, 10-2.1612, 10-2.1618, 10-2.1703, 10-2.2903, 10-2.2903.2, 10-2.2904, 10-2.2905, 10-2.2906, 10-2.3001, 10-2.3002, 10-2.3003, 10-2.3004, 10-2.3005, 10-2.3006, 10-2.3007 and 10-2.3009 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.210. BUILDING, MAIN. The principal building on a lot or building site designed or used to accommodate the primary use to which the premises are devoted; where a permissible use involves more than one structure designed or used for the primary purpose, each such permissible building on one lot as defined by this chapter shall be construed as constituting a main building.

SEC. 10-2.273. YARD. An open space on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.

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

(a) Primary uses:

- (1) Accounting, auditing and bookkeeping services.
- (2) Advertising agency.
- (3) Ambulance service.
- (4) Apparel store and related accessories.
- (5) Artists' supplies and art shop.
- (6) Art studio.
- (7) Autograph and philatelist supply.
- (8) Baby sitters' agency.
- (9) Barber shop; beauty shop.
- ((10) Boarding house.
- (11) Book and stationery sales.
- (12) Building supply; limited to retail sales.
- (13) Business and professional offices.
- (14) Camera and photographic supply.
- (15) China.
- (16) Christmas tree sales.
- (17) Cigar store and stand.
- (18) Coal and fuel sales office.
- (19) Consumer credit reporting agency; adjustment and collection agency.
- (20) Curtain store.
- (21) Diaper service.
- (22) Drapery store.
- (23) Drug and proprietary medicine.
- (24) Dry cleaners, coin operated.

- (25) Duplicating, addressing, mailing services, blue printing and photostating services; stenographic services.
- (26) Eating and drinking establishments. Beer and wine may be served only in conjunction with meals. Music may be provided. The following are excluded:
- (aa) Dancing and entertainment.
 - (ab) Dispensing of other alcoholic beverages.
- (27) Electrical repair shop.
 - (28) Fireworks stand.
 - (29) Florist, greenhouse, plant materials nursery.
 - (30) Food stores.
 - (31) Frozen food lockers, individual retail rental.
 - (32) Garden supply.
 - (33) General merchandise (excluding department store).
 - (34) Gift, novelty and souvenir.
 - (35) Glassware.
 - (36) Gunsmith shop.
 - (37) Hardware, limited to household and gardenware.
 - (38) Hat Cleaning.
 - (39) Home furnishings such as pictures, frames, lamps, shades, awnings, and window shades.
 - (40) Ice dealer, limited to not more than five (5) tons capacity.
 - (41) Interior decorating service.
 - (42) Janitorial service, window cleaning, disinfecting and exterminating.
 - (43) Jewelry.
 - (44) Laundry and dry cleaning agency, including self service.
 - (45) Library.
 - (46) Liquor (off premises consumption).
 - (47) Locksmith shop.
 - (48) Lodging house.
 - (49) Luggage and leather goods.
 - (50) Metalware shop.
 - (51) Motel, hotel, membership hotel, apartment hotel.
 - (52) Musical instruments and records.
 - (53) News dealer and newsstand.
 - (54) Non-profit membership organization, private club; fraternity, sorority; lodge.
 - (55) Office supply sales.
 - (56) Paint, glass and wallpaper sales.
 - (57) Parking area.
 - (58) Parking garage.
 - (59) Pet store.
 - (60) Photographic studio, film processing.
 - (61) Radio and television sales and repair.
 - (62) Record sales.
 - (63) Repair shops, such as: bicycle, camera, fountain pen, lawn mower sharpening, knife and tool, musical instrument, saw sharpening, key duplication, and handyman repair service.
 - (64) Schools, such as music, art, dramatics, language, children's dancing, correspondence.
 - (65) Service station.
 - (66) Shoe repair shop, shoe shine parlor, shoe sales.
 - (67) Signs, subject to the limitations and provisions of Section 10-2. 807.
 - (68) Sporting goods.
 - (69) Storm drainage basins and related facilities.
 - (70) Tailor and seamstress shop, including pressing.
 - (71) Taxi stand.
 - (72) Toy shop.
 - (73) Upholstery material store.
 - (74) Variety store.
 - (75) Watch, clock and jewelry repair.

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

- (1) Amusement and recreation services.
- (2) Church; wedding chapel; funeral service.
- (3) Child day care for more than six (6) children in addition to members of the family.
- (4) Drive-in restaurant.
- (5) Private recreational grounds and facilities not open to the general public and to which no admission charge is made.
- (6) Public buildings or grounds operated by any governmental agency.
- (7) Public utilities or utilities operated by mutual agencies, including electrical substations, gas metering stations, telephone exchanges, power boosters, or conversion plants, with the necessary buildings, apparatus or appurtenances thereto.
- (8) Radio or television transmitter.
- (9) Rest home.
- (10) Tower.

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

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

SEC. 10-2.1505. PREZONING OF UNINCORPORATED TERRITORY. (a) The City may prezone unincorporated territory adjoining the City for the purpose of determining the zoning that will apply to the property in such territory in the event of subsequent annexation to the City.

(b) The method and procedure for establishing such prezones shall be the same as provided in Articles 21 and 22 of this chapter for the establishment of zones within the City.

(c) No application for pre zoning of unincorporated territory shall be accepted by the Planning Commission for any property or area for which a previous application for pre zoning of unincorporated territory has been denied until one year has elapsed from the date of such denial, except that the Planning Commission may waive the one year limitation, when in its judgment the applicant has shown substantially changed circumstances which justify a shorter period of time and the Planning Commission determines that the interest of the general public will not be adversely affected.

(d) Unincorporated territory which has been pre zoned shall carry a "P" prefix before the zone classification and shall be so designated on the official zoning map of the City.

(e) The zone classification which has been established by pre zoning procedure for unincorporated territory shall become effective at the time that the annexation of such territory to the City becomes effective. At such time, the "P" prefix shall be deemed automatically removed from the zone classification.

SEC. 10-2.1605. YARD REQUIREMENTS WHEN MORE THAN ONE MAIN BUILDING EXISTS. Where two (2) or more buildings are, as defined in this chapter, considered main buildings, then the front yard requirement shall apply only to the building closest to the front lot line and the required

side yard shall extend to the rear line of the rear most building. There shall be a distance between such main buildings equal to twice the required width of the side yard but shall not be required to exceed twelve (12') feet.

SEC. 10-2.1610. PROJECTIONS INTO YARDS. Every part of a required yard shall be open from its lowest point to the sky unobstructed, except for:

(a) The ordinary projection of sills, belt course, cornices, buttresses, ornamental features and eaves, which may project into a minimum yard not more than two (2') feet.

(b) Fire escapes, unenclosed outside stairways and uncovered porches or platforms, which may project into a minimum yard not more than four (4') feet.

(c) The ordinary projections of chimneys and flues, which may project into a minimum yard not more than eighteen (18") inches.

(d) The projection of a roof line of an attached garage or carport into a yard to a distance equal to that allowed the roof line of the main portion of the house, provided that the opening of such garage or carport shall be no closer than twenty (20') feet to the property line toward which the garage or carport faces.

SEC. 10-2.1612. WALL, FENCE OR HEDGE MAY BE MAINTAINED. (a) On residentially zoned or P-O zoned property a wall, fence or hedge not more than forty-two (42") inches in height may be located and maintained on any part of a lot except within the clear vision triangle as required in Section 10-2.1609. A fence, wall, or hedge more than forty-two (42") inches in height but not more than six (6') feet in height, may be located anywhere on the lot, provided that no fence, wall, or hedge over forty-two (42") inches in height shall be located closer than fifteen (15') feet to any street line except that in the case of substandard corner lots referred to in Section 10-2.1618 and certain specified corner lots referred to in Section 10-2.1620 a fence, wall, or hedge not more than six (6') feet in height may be located not closer than seven and one-half (7 1/2') feet to the side street, and on a through lot which has vehicular access prohibited to the street at the rear of such lot, a fence, wall, or hedge not more than six (6') feet in height shall be permitted along such rear lot line. On P-O zoned property facing on a collector street, a fence, wall or hedge six (6') feet in height may be constructed to the street line when it is adjacent to a less restrictive zone. Nothing in this section shall be deemed to prevent the erection of a fence, wall or hedge not more than eight (8') feet in height on any part of a lot except a front yard setback as long as any fence or wall over six (6') feet in height is in conformance with the Building Code of the City of Modesto.

Nothing in this section shall be deemed to prevent the erection of a fence or wall not more than six (6') feet in height on any part of a lot other than within the clear vision triangle, where the erection of such fence or wall at that location is required by the Planning Commission as a condition of the approval of a subdivision map or parcel map.

(b) On C-1 and C-2 zoned property, when such property comprises part of the frontage and part of the remaining frontage is classified for "R" purposes, a six (6') foot fence, wall or hedge on such C-1 or C-2 property may be extended along the side property line to the front property line of such C-1 or C-2 property.

(c) On C-M, M-1 and M-2 zoned property when such property comprises part of the frontage and part of the remaining frontage is classified for "R" purposes, or when such property fronts upon a street, the opposite side of which is classified for "R" purposes, a six (6') foot fence, wall or hedge on such C-M, M-1 or M-2 property may be extended along the side property line to the front property line of such C-M, M-1 or M-2 property.

(d) On commercially or industrially zoned property abutting residentially zoned property, a fence, wall or hedge not more than ten (10') feet in height may be erected along such zone boundary line. If an alley intervenes between such commercial or industrial property, and the residential property, a fence, wall or hedge not more than ten (10') feet in height may be erected on either line of the alley. Any wall or fence over six (6') feet in height shall be in conformance with the Building Code of the City of Modesto.

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

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

SEC. 10-2.1703. NONCONFORMING USE OF A CONFORMING BUILDING. The nonconforming use of a conforming building lawfully existing on the effective date of this chapter may be continued provided such nonconforming use shall not be expanded or extended into any other portion of the conforming building nor shall any structural alterations except those required by law be made, and if such nonconforming use is discontinued for a continuous period of more than six (6) months, any future use of such building shall conform to the provisions of the zone in which it is located; and provided further that all non-residential, nonconforming uses of a conforming building in the P-O zone or in any of the "R" zones shall be discontinued not later than five (5) years from the date the provisions of this chapter become effective.

SEC. 10-2, 2903. PERMITTED USES UPON APPROVAL OF BOARD OF ZONING ADJUSTMENT. The following uses, subject to securing a conditional use permit from the Board of Zoning Adjustment, are permitted in an H-1 Zone, unless the Board of Zoning Adjustment finds that the specific use applied for on a particular site does not meet the purposes set forth in Section 10-2, 2901.

(a) Major utility and transportation installations.

(1) Utilities.

- (aa) Communications equipment buildings.
- (ab) Transmitter towers, radio and television.
- (ac) Gas metering stations.

(2) Storm drainage basins and related facilities.

(b) Educational and institutional uses with residential accommodations.

(1) Convent.

(2) Home for the aged.

(3) Hospital, general.

(4) Monasteries.

(5) Nursing home.

(6) Orphanages.

(7) Rest home.

(8) Nonprofit membership organization with residential accommodations for members only.

(c) Educational, cultural, institutional and recreational uses serving urban region or major subareas.

(1) Public.

(aa) Art gallery.

(ab) Botanical garden.

(ac) Administrative office.

(ad) Meeting hall (capacity unlimited).

(ae) Museum.

(af) Recreation center.

(ag) School.

(2) Private (noncommercial).

(aa) Church.

(ab) Club or recreation facility.

(ac) Parish house.

(ad) Art gallery.

(ae) Club or recreation facility (membership not limited).

(af) Meeting hall (capacity unlimited).

(ag) Museum.

(ah) School.

(d) Travelers' living accommodations. (Transient living service establishments depending on a large trade area).

(1) Hotel.

(2) Motel.

(3) Trailer park.

(e) Business and professional offices.

(f) Retail trade and consumer services establishments.

(1) Apparel and accessories.

(2) Automobile dealers, new and used cars.

(3) Automobile tire, battery and accessory shops.

(4) Eating and drinking places.

(5) Furniture, home furnishings and equipment.

(6) General merchandise stores.

- (7) Miscellaneous retail stores.
- (8) Parking lots or parking structures for passenger automobiles.
- (9) Radio and television studios.

(g) General consumer and business service. (Depending on trade from a large area).

- (1) Business services.
- (2) Catering establishments.
- (3) Motion picture production, distribution service.
- (4) Printing, job or commercial.
- (5) Vending machine rental.

(h) Special retail trade and consumer service establishments. (Depending on trade from a wide area and with some objectionable elements likely because of processes used, materials handled, or character of traffic generated).

- (1) Ambulance service (when not a part of a hospital).
- (2) Automotive repair, services and garages, excluding:
 - (aa) Body repair shops.
 - (ab) Paint shops.
 - (ac) Tire recapping and retreading.
 - (ad) Truck repair.
- (3) Carpentry shop or custom woodworking or custom furniture.
- (4) Food lockers, rental for individual households.

(i) Special business, consumer and miscellaneous repair services. (Serving a large area).

- (1) Animal hospital.
- (2) Animal shelter or pound.
- (3) Miscellaneous repair shops.
- (4) Package delivery service.

(j) Commercial amusement and entertainment establishments requiring large site and/or generating large traffic volumes.

- (1) Arena, auditoriums or stadiums, unlimited capacity.
- (2) Golf course.
- (3) Golf driving range.
- (4) Miniature golf course.
- (5) Skating rink.

(k) Warehousing and storage. (To be conducted in an entirely enclosed building).

SEC. 10-2.2903.2. PERMITTED USES UPON APPROVAL OF PLANNING COMMISSION. The following uses are permitted in an H-1 Zone subject to Planning Commission plot plan review and approval pursuant to Section 10-2.2905, unless the Planning Commission finds that the specific use applied for on a particular site does not meet the purposes set forth in Section 10-2.2901.

(a) Residential planned unit development. (A development planned as a unit and consisting of single-family, two-family, or multiple dwellings and other uses).

- (1) Dwellings.
 - (aa) Single-family.
 - (ab) Two-family.
 - (ac) Multiple.
- (2) Related public uses or private recreational or institutional uses or cultural facilities.
- (3) Necessary service installations.
- (4) Commercial services designed to serve the residents of the development.

SEC. 10-2.2904. STANDARDS. In order to accomplish the purpose of Section 10-2.2901, the following general standards shall constitute guidelines to the Board of Zoning Adjustment and Planning Commission in considering and determining appropriate and reasonable conditions to apply to any conditional use permit or plot plan approval granted in the H-1 Zone.

It is intended that these standards be applied when reasonable under the facts and circumstances developed through the study and consideration of a particular application for a use authorized in the zone.

(a) Uses conducted within buildings. That uses in the H-1 Zone be conducted wholly within a building except such uses as drive-in restaurants, gasoline stations, plant materials nurseries, and similar enterprises customarily conducted in the open as determined by the Board of Zoning Adjustment.

(b) Nuisances. That no operation be conducted on the premises to cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration or electrical interference detectable off the premises.

(c) Front yard. That every lot have a front yard, including the building line setback area, of no less than fifteen (15') feet from the street right or way line. The front yard shall be landscaped. For those portions of the front yard used for vehicular parking, the landscaping may be reduced to a ten (10') foot strip.

(d) Side yard. That each lot have at least one side yard a minimum of twelve (12') feet in width or ten (10%) percent of a lot width, whichever is greater, but that in no event need the side yard exceed the maximum width of thirty (30') feet.

That on the side street of all corner lots no structure be built closer than fifteen (15') feet from the property line. The side yard along said street shall be landscaped. For those portions of the side yard used for vehicular parking, the landscaping may be reduced to a ten (10') foot strip.

(e) Rear yards. That no structure be built closer than forty (40') feet to the nearest residential or agricultural zone boundary at the rear of the property except for accessory buildings customarily incidental to residential uses.

(f) Screening. That a solid decorative masonry wall six (6') feet in height measured from the finish grade of the H-1 property at the footing of the wall be constructed along the boundary separating the H-1 uses fronting on the major street from adjoining residential or agricultural zones. On the H-1 side of the wall a minimum ten (10') foot planting strip with screen landscaping shall be required. On corner lots, a solid decorative masonry wall, six (6') feet in height shall be constructed along the side street of the property, fifteen (15') feet in from the property line, or along the building setback line, whichever is greater, from the rear property line to a point even with the rear of the main building furthest to the rear of the parcel or to a point even with the H-1 Zone boundary across the side street, whichever is greatest.

(g) Driveways.

(1) Where a wall is required on the side street of a corner lot, no driveway shall be permitted.

(2) Joint use of driveways, one parcel to another, shall be encouraged to limit driveways on the major street as much as reasonable with one driveway per one hundred (100') feet of frontage most desirable.

(h) Projections into yards. That every part of a required yard be open from its lowest point to the sky unobstructed as provided in Section 10-2.1610 of this chapter.

(i) Street width. That every applicant for a proposed development which will involve a use which is a potential traffic generator be required to dedicate and improve sufficient right of way to provide a street width commensurate with standard city right of way widths or such other right of way as might be adopted by the Council.

The Board of Zoning Adjustment and Planning Commission may impose such other and additional reasonable conditions as they deem will promote the public interest and general welfare based on the facts and circumstances of the individual case and proposed development.

SEC. 10-2.2905. PLOT PLAN. The applicant for a use authorized in the H-1 Zone is required to provide a complete plot plan drawn to a scale of not less than one inch equals twenty (20') feet to assist the Planning staff, Board of Zoning Adjustment and Planning Commission in evaluating the proposed development.

(a) The plot plan shall include but not be limited to:

- (1) The location of all proposed buildings.
- (2) The location of on-site circulation.
- (3) The location of all off-street parking.
- (4) All land to be dedicated to or reserved for

public use.

(5) The location and extent of street improvements as determined in consultation with the Public Works Department.

(6) The location of all garbage and refuse facilities.

(7) The plot plan shall include all dimensions pertinent to any requirement of the Municipal Code.

SEC. 10-2.2906. SIGNS.

(a) Any signs allowed in the C-1 Zone are permitted in the H-1 Zone for uses permitted in Section 10-2.2903 and Section 10-2.2903.1 excepting that freestanding and projecting identification signs as allowed in Section 10-2.807 (a) are not permitted in an H-1 Zone; provided, however, that the Board of Zoning Adjustment may, by a conditional use permit granted in accordance with the provisions of Article 20 of Chapter 2 of Title X of this Code, allow one freestanding sign per use or occupancy. Before any such conditional use permit may be granted by the Board of Zoning Adjustment, both of the following must be shown:

(1) 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.

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

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

SEC. 10-2.3001 PURPOSE. The Professional Office (P-O) Zone permits the location of professional offices, institutional uses and related service uses on major streets as designated in the General Plan adjacent to related center of activity, such as hospitals; adjacent to the downtown commercial area; and as part of compact professional office districts.

Because of the above locational characteristics of this zone, the setback, lot coverage, and sign standards are non-commercial in nature and are compatible with residential uses. The landscaped areas which are required will also contribute to the overall amenity of the institutional uses around which this zone could be located.

SEC. 10-2.3002. PERMITTED USES. In the P-O Zone only the following uses are permitted as are hereinafter specifically provided and allowed:

(a) Medical and dental offices and laboratories, not including the manufacture, sale or distribution of pharmaceutical or other similar products.

(b) Professional offices for any of the following: accountants, architects, attorneys, chiropractors, optometrists, chiropedists, engineers.

(c) On parcels having frontage on major streets which are designated on the General Plan, the following additional uses are permitted in a P-O Zone:

(1) Nonprofit membership organizations, private clubs, fraternities, sororities, lodges.

(2) Professional offices for any of the following: real estate sales and management, insurance sales and service, surveyors, stockbrokers,

(3) Public and quasi-public uses except corporation yards, storage or repair yards or warehouses.

(d) Storm drainage basins and related facilities.

SEC. 10-2.3003. HEIGHT. In a Professional Office Zone fronting on a major street no building or structure shall exceed two (2) stories or thirty (30') feet, whichever is the lesser height. A building may exceed said limits if approved in accordance with Section 10-2.3002.2 or upon issuance of a conditional use permit by the Board of Zoning Adjustment. In a Professional Office Zone fronting on a collector street no building or structure shall exceed two (2) stories or thirty (30') feet whichever is the lesser height.

SEC. 10-2.3004. FRONT YARD. Every lot shall maintain a landscaped front yard not less than fifteen (15') feet in depth. No building or structure may occupy any part of such front yard. The landscaped front yard may be reduced to ten (10') feet for those portions of the front yard used for vehicular parking.

SEC. 10-2.3005. SIDE YARD. Minimum unobstructed, landscaped side yard for any building or structure shall be six (6') feet and the total of the two (2) required side yards shall not be less than twelve (12') feet. On corner lots the side yard which faces on a street shall be not less than fifteen (15') feet for any building or structure or ten (10') feet for vehicular parking. Whenever an existing commercial building in an adjacent commercial zone is located on the side property line of a P-O zoned lot, no side yard setback is required on that side of the P-O zoned lot.

SEC. 10-2.3006. REAR YARD. Every lot shall maintain an unobstructed, landscaped rear yard of not less than six (6') feet in depth. Whenever an existing commercial building in an adjacent commercial zone is located on the rear property line of a P-O zoned lot, no rear yard setback is required on that side of the P-O zoned lot.

SEC. 10-2.3007. LOT AREA. The minimum required lot area shall be six thousand (6,000) square feet for interior lots and six thousand, five hundred (6,500) square feet for corner lots and reversed corner lots.

SEC. 10-2.3009. PERMISSIBLE LOT COVERAGE. All buildings, including accessory buildings and structures, shall not cover more than sixty (60%) percent of the area of a lot.

SECTION 2. AMENDMENT OF CODE. Articles 5, 6 and 7 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

ARTICLE 5. LOW DENSITY RESIDENTIAL ZONE.

SEC. 10-2.501. PURPOSE. The purposes of the R-1 zone shall be to:

(a) Implement General Plan policy by encouraging the development of low density residential areas throughout the urban area.

(b) Establish a density zone where the number of units to be developed are related to the lot area.

(c) To preserve a high degree of compatibility between adjacent R-1 uses and between R-1 and other types of development.

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

(a) Single family dwelling.

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

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

(1) Church; wedding chapel.

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

- (3) Rest home.
- (4) Public buildings or grounds operated by any governmental agency.
- (5) Public utilities or utilities operated by mutual agencies, including electrical substations, gas metering stations, telephone exchanges, power boosters, or conversion plants, with the building apparatus or appurtenances thereto.
- (6) Radio or television transmitter.
- (7) Tower.
- (8) Private recreational grounds and facilities not open to the general public and to which no admission charge is made.
- (9) Family care home serving a maximum of six (6) persons except that no conditional use permit is required if not more than three (3) persons are being served. A similar facility serving seven (7) or more persons shall be deemed an unclassified use.
- (10) Storm drainage basins and related facilities which serve an adjacent nonresidentially zoned property.

(d) The renting of not more than three (3) rooms to not more than three (3) roomers, or the providing of table board to not more than three (3) boarders, or both, but not to exceed three (3) in any combination thereof; the day care of not more than six (6) children, in addition to members of the family, when such care is authorized under permits granted by the Stanislaus County Welfare Department, the County Fire Warden, the County Health Department and the Secretary of the Commission.

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

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

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

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

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

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

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

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

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

(h) The following signs:

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

(2) Three (3) unlighted open house directional signs, which do not exceed three (3) square feet in area each, are permitted during daylight hours only, for each house or group of houses offered for sale by the same realtor at the same general location, provided they do not bear any advertising message and that such signs are located wholly on private property with permission of the property owner on whose property they are located.

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

(4) One bulletin board or identification sign not exceeding twelve (12) square feet in area and six (6') feet in height for uses permitted by a conditional use permit and unclassified use permits.

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

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

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

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

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

(aa) When the boundaries of any recorded subdivision or any part thereof abut a major street or expressway, one subdivision directional sign is permitted, which sign may be located as follows:

(i) On any vacant lot or parcel which is owned by the subdivision owner.

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

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

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

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

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

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

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

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

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

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

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

(i) The combined area of all of said signs shall not exceed four (4) square feet.

(ii) The overall height shall not exceed four (4') feet.

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

(i) Each sign shall not exceed thirty-two (32) square feet in area.

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

(ac) Political signs shall not be attached to trees, fence posts, or utility poles.

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

(ae) Political signs shall be erected no more than thirty (30) days prior to the date of the election.

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

(9) Temporary signs are not permitted.

(10) Window signs are not permitted.

(11) Outdoor advertising signs are not permitted.

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

(j) A parking area, provided:

(1) A conditional use permit has been obtained in accordance with Article 20 of this chapter.

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

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

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

SEC. 10-2.503. HEIGHT. No building shall exceed two (2) stories or thirty (30') feet, whichever is the lesser height, except those buildings occupied by uses as may be permitted by a conditional use permit.

SEC. 10-2.504. FRONT YARD. Every lot shall maintain a front yard not less than fifteen (15') feet in depth or the average of existing front yards in the block where fifty (50%) percent or more of the block is developed, provided that in no case, shall the front yard be less than six (6') feet or be required to be more than fifteen (15') feet in depth, except that for garages and carports opening onto the front street the minimum distance between the opening of such carport or garage and the front line shall be twenty (20') feet.

SEC. 10-2.505. SIDE YARDS. The minimum side yard for any dwelling shall be six (6') feet and the total width of the two (2) required side yards shall be not less than twelve (12') feet.

The minimum side yard for a private garage or other accessory building shall be six (6') feet, except that a private garage or other accessory building located at least twelve (12') feet in the rear of the main building requires no side yard provided that no portion of the building shall overhang the property line. On corner lots and reversed corner lots, the side yard which faces on a street shall be not less than fifteen (15') feet for both main and accessory buildings, or the average of existing buildings where more than fifty (50%) percent of the frontage is developed, but in no case shall the side yard be less than six (6') feet or be required to be more than fifteen (15') feet, except that for garages and carports opening onto the side street the minimum distance between the opening of such garage or carport and the side street line shall be twenty (20') feet.

SEC. 10-2.506. AREA. The minimum required lot area shall be six thousand (6,000) square feet for interior lots and sixty-five hundred (6,500) square feet for corner and reversed corner lots.

SEC. 10-2.507. LOT WIDTH. Every interior lot shall have a width of not less than sixty (60') feet and every corner and reversed corner lot shall have a width of not less than seventy (70') feet at the required building line.

SEC. 10-2.508. PERMISSIBLE LOT COVERAGE. All buildings including accessory buildings and structures, shall not cover more than forty (40%) percent of the area of the lot.

SEC. 10-2.509. BUILDINGS, PLACEMENT. Placement of buildings on any lot shall conform to the following:

(a) No buildings may occupy any portion of a required yard.

(b) All buildings used for human habitation shall not be located closer to a property line than the distance required in the side yard.

(c) The distance between any building used for human habitation and any accessory building or another building used for human habitation on any lot shall be equal to twice the required side yard.

(d) In the case of a reversed corner lot no building shall be located closer to the side yard of the abutting lot to the rear than the width of the required side yard on such lot to the rear.

(e) Any building having a door or window in a wall facing on an alley shall be located not closer than five (5') feet to such alley.

ARTICLE 6. MEDIUM DENSITY RESIDENTIAL ZONE

SEC. 10-2.601. PURPOSE. The purposes of the R-2 zone shall be to:

(a) Implement General Plan policy by encouraging the development of medium density residential areas throughout the urban area.

(b) Establish a density zone where the number of units to be developed are related to the lot area.

(c) Protect adjacent properties from unreasonable obstruction of light and air by maintaining a high land area-dwelling unit ratio.

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

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

(b) Two-family dwellings.

(c) A three-family or a four-family dwelling when the side line of the lot abuts lots zoned for P-D, C-1, C-2, C-M, M-1 or M-2 and when the lot complies with the provisions set forth in Section 10-2.708 of this chapter. In no case shall the property used for such three-family or four-family dwelling consist of more than one lot or be more than seventy-five (75') feet in width, whichever is the lesser.

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

(e) The following signs:

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

(2) Area or multiple family housing project signs not exceeding twelve (12)" square feet in area or six (6') feet in height.

SEC. 10-2.603. LOTS WITH EXISTING UNITS. Additional residential unit(s) may be built on a lot with an existing residential unit(s) if the following conditions are met:

(a) All provisions of this article shall be complied with for the new unit(s).

(b) The existing and proposed units shall comply with the area requirements of Section 10-2.608.

(c) The existing unit shall be in conformance with the Housing Code of the City of Modesto, or is brought into conformance with the Housing Code prior to occupancy of the additional unit(s).

SEC. 10-2.604. PLOT PLAN. Any development consisting of two (2) or more residential structures per lot or five (5) or more dwelling units shall be subject to plot plan review and approval by the Planning Commission. An application shall be made to the Secretary of the Planning Commission for any such development and shall be accompanied by a plot plan.

(a) The plot plan shall include but not be limited to:

(1) The location of all proposed buildings, facilities and open spaces.

(2) The location of all on-site vehicular and pedestrian circulation.

(3) The location of all off-street parking.

(4) All land to be dedicated to or reserved for public use.

(5) The location and extent of street improvements as determined by the Public Works Department.

- (6) The location of all garbage and refuse facilities.
- (7) Elevations and/or perspective drawings of proposed structures. Such drawings need not be the result of final architectural decisions and need not be in detail. The purpose of such drawings is to indicate within stated limits the height of proposed buildings and the general appearance of the proposed structures to the end that the development will have architectural unity and be in harmony with surrounding developments.
- (8) The plot plan shall include all dimensions pertinent to any requirement of the Municipal Code.

(b) In reviewing the proposed development the Commission may utilize design review guidelines as it may adopt from time to time. Such guidelines may include site layout (including location of open spaces), building design and siting, and compatibility with the surrounding land and development.

SEC. 10-2.605. HEIGHT. No building shall exceed two (2) stories or thirty (30') feet, whichever is the lesser height, except those buildings occupied by uses as may be permitted by a conditional use permit.

SEC. 10-2.606. FRONT YARD. Every lot shall maintain a front yard not less than fifteen (15') feet in depth or the average of existing front yards in the block where fifty (50%) percent or more of the block is developed, provided that in no case shall the front yard be less than six (6') feet or be required to be more than fifteen (15') feet in depth, except that for garages and carports opening onto the front street the minimum distance between the opening of such carport or garage and the front street line shall be twenty (20') feet.

SEC. 10-2.607. SIDE AND REAR YARDS. (a) For any development consisting of one residential structure per lot and less than five (5) dwelling units the minimum side or rear yard for any residential structure shall be six (6') feet and the total width of the two (2) required side yards shall be not less than twelve (12') feet. A twelve (12') foot setback shall be required for any second story portion of such a structure.

(b) For any development consisting of two (2) or more residential structures per lot or five (5) or more dwelling units the minimum side and rear yards for residential structures shall be:

(1) The minimum side or rear yard for any residential structure shall be six (6') feet and the total width of the two (2) required side yards shall be not less than twelve (12') feet.

(2) The minimum setback for any two (2) story portion of a residential structure not adjacent to City or County A-2, A-R, R-A or R-1 property shall be twelve (12') feet.

(3) The minimum setback for any two (2) story portion of a residential structure adjacent to City or County A-2 A-R, R-A or R-1 property shall be forty (40') feet. If, however, a plot plan is submitted for review pursuant to Section 10-2.604 then this setback may be reduced to twelve (12') feet by the Planning Commission as long as compatibility with adjacent properties is maintained.

(4) The minimum side yard for a private garage or other accessory building shall be six (6') feet, except that a private garage or other accessory building located at least twelve (12') feet in the rear of the main building requires no side yard provided that no portion of the building shall overhang the property line. In addition, any building having a door or window in a wall facing on an alley shall be located not closer than five (5') feet to such alley.

(5) On corner lots the side yard which faces on a street shall be not less than fifteen (15') feet for both main and accessory buildings, or the average of existing building where more than fifty (50%) percent of the frontage is developed, but in no case shall the side yard be less than six (6') feet or be required to be more than fifteen (15') feet, except that for garages and carports opening onto the side street the minimum distance between the opening of such garage or carport and the side street line shall be twenty (20') feet.

SEC. 10-2.608. AREA. The minimum required lot area shall be six thousand (6,000) square feet for interior lots and six thousand, five hundred (6,500) square feet for corner and reversed corner lots. Two (2) dwelling units shall be permitted for the first six thousand (6,000) square feet of lot area for interior lots and two (2) dwelling units shall be permitted for the first six thousand, five hundred (6,500) square feet of lot area for corner and reversed corner lots. One dwelling unit shall be permitted for each three thousand (3,000) square feet of lot area over and above the required area for two (2) dwelling units.

SEC. 10-2.609. LOT WIDTH. Every interior lot shall have a width of not less than sixty (60') feet and every corner and reversed corner lot shall have a width of not less than seventy (70') feet at the building setback line.

SEC. 10-2.610. PERMISSIBLE LOT COVERAGE. All buildings, including accessory buildings and structures and uncovered parking spaces shall not cover more than fifty (50%) percent of the area of a lot.

SEC. 10-2.611. BUILDINGS, PLACEMENT. Placement of buildings on any lot shall conform to the following:

(a) No building may occupy any portion of a required yard.

(b) All buildings used for human habitation shall not be located closer to a property line than the distance required in the side yard.

(c) The distance between any building used for human habitation and any accessory building or another building used for human habitation on any lot shall be equal to twice the required side yard, but shall not be required to exceed twelve (12') feet.

(d) In the case of a reversed corner lot no building shall be located closer to the side yard of the abutting lot to the rear than the width of the required side yard on such lot to the rear.

ARTICLE 7. MEDIUM HIGH DENSITY RESIDENTIAL ZONE

SEC. 10-2.701. PURPOSE. The purposes of the R-3 zone shall be to:

(a) Implement General Plan policy by encouraging the development of medium high density residential areas throughout the urban area.

(b) Encourage a wide variety and density of housing in Modesto.

(c) Protect adjacent properties from unreasonable obstruction of light and air.

SEC. 10-2.702. PERMITTED USES. In an R-3 zone only the following uses are permitted as are hereinafter specifically provided and allowed:

- (a) Any use permitted in the R-2 zone.
- (b) Multiple dwelling.
- (c) Boarding and lodging house.
- (d) The following uses subject to the granting of a conditional use permit by the Board of Zoning Adjustment:
 - (1) Motel.
 - (2) Hotel.
 - (3) Non-profit membership organization, private club, fraternity, sorority and lodge, excepting those the chief activity of which is a service customarily carried on as a business.
- (e) The following signs:
 - (1) Any signs permitted in the R-2 zone.
 - (2) One identification sign not exceeding twelve (12) square feet in area and six (6') feet in height for a boarding house, lodging house or multiple dwelling.

SEC. 10-2.703. LOTS WITH EXISTING UNITS. Additional residential unit(s) may be built on a lot with an existing residential unit(s) if the following conditions are met.

- (a) All the provisions of this article shall be complied with for the new unit(s).
- (b) The existing and proposed units shall comply with the area requirements of Section 10-2.708.
- (c) The existing unit shall be in conformance with the Housing Code of the City of Modesto or is brought into conformance with the Housing Code prior to occupancy of the additional unit(s).

SEC. 10-2.704. PLOT PLAN. Any development consisting of two (2) or more residential structures per lot or five (5) or more dwelling units shall be subject to plot plan review and approval by the Planning Commission. An application shall be made to the Secretary of the Planning Commission for any such development and shall be accompanied by a plot plan.

- (a) The plot plan shall include but not be limited to:
 - (1) The location of all proposed buildings, facilities and open spaces.
 - (2) The location of all on-site vehicular and pedestrian circulation.
 - (3) The location of all off-street parking.
 - (4) All land to be dedicated to or reserved for public use.
 - (5) The location and extent of street improvements as determined by the Public Works Department.
 - (6) The location of all garbage and refuse facilities.
 - (7) Elevations and/or perspective drawings of proposed structures. Such drawings need not be the result of final architectural decisions and need not be in detail. The purpose of such drawings is to indicate within stated limits the height of proposed buildings and the general appearance of the proposed structures to the end that the development will have architectural unity and be in harmony with surrounding developments.

(8) The plot plan shall include all dimensions pertinent to any requirement of the Municipal Code.

(b) In reviewing the proposed development the Commission may utilize design review guidelines as it may adopt from time to time. Such guidelines may include site layout (including location of open spaces), building design and siting, and compatibility with surrounding land and development.

SEC. 10-2.705. HEIGHT. No building shall exceed two (2) stories or thirty (30') feet, whichever is the lesser height, except those approved in accordance with Section 10-2.704 which may be three (3) stories or forty (40') feet, whichever is the lesser height.

SEC. 10-2.706. FRONT YARD. Every lot shall maintain a front yard not less than fifteen (15') feet in depth or the average of existing front yards in the block where fifty (50%) percent or more of the block is developed, provided that in no case shall the front yard be less than six (6') feet or be required to be more than fifteen (15') feet in depth, except that for garages and carports opening onto the front street the minimum distance between the opening of such carport or garage and the front street line shall be twenty (20') feet.

SEC. 10-2.707. SIDE AND REAR YARDS. (a) For any development consisting of one residential structure per lot and less than five (5) dwelling units the minimum side or rear yard for any residential structure shall be six (6') feet and the total width of the two (2) required side yards shall be not less than twelve (12') feet. A twelve (12') foot setback shall be required for any second story portion of such a structure.

(b) For any development consisting of two (2) or more residential structures per lot or five (5) or more dwelling units the minimum side and rear yards for residential structures shall be:

(1) The minimum side or rear yard for any residential structure shall be six (6') feet and the total width of the two (2) required side yards shall be not less than twelve (12') feet.

(2) The minimum setback for any two story portion of a residential structure not adjacent to City or County A-2, A-R, R-A or R-1 property shall be twelve (12') feet.

(3) The minimum setback for any two (2) story portion of a residential structure adjacent to City or County A-2, A-R, R-A or R-1 property shall be forty (40') feet. If, however, a plot plan is submitted for review pursuant to Section 10-2.704 then this setback may be reduced to twelve (12') feet by the Planning Commission as long as compatibility with adjacent properties is maintained.

(4) The minimum side yard for a private garage or other accessory building shall be six (6') feet, except that a private garage or other accessory building located at least twelve (12') feet in the rear of the main building requires no side yard provided that no portion of the building shall overhang the property line. In addition, any building having a door or window in a wall facing on an alley shall be located not closer than five (5') feet to such alley.

(5) On corner lots the side yard which faces on a street shall be not less than fifteen (15') feet for both main and accessory buildings, or the average of existing building where more than fifty (50%) percent of the frontage is developed, but in no case shall the side yard be less than six (6') feet or be required to be more than fifteen (15') feet, except that for garages and carports opening onto the side street the minimum distance between the opening of such garage or carport and the side street line shall be twenty (20') feet.

SEC. 10-2.708. AREA. The minimum required lot area shall be as follows:

(a) For main buildings other than dwellings, six thousand (6,000) square feet for interior lots and six thousand, five hundred (6,500) square feet for corner and reversed corner lots.

(b) For dwellings, six thousand (6,000) square feet for interior lots and six thousand, five hundred (6,500) square feet for corner and reversed corner lots. Three (3) dwelling units shall be permitted for the first six thousand (6,000) square feet for interior lots and three (3) dwelling units shall be permitted for the first six thousand, five hundred (6,500) square feet for corner and reversed corner lots. One dwelling unit shall be permitted for each one thousand, five hundred (1,500) square feet over and above the required area for three (3) dwelling units.

SEC. 10-2.709. LOT WIDTH. Every interior lot shall have a width of not less than sixty (60') feet and every corner and reversed corner lot shall have a width of not less than seventy (70') feet at the required building line.

SEC. 10-2.710. PERMISSIBLE LOT COVERAGE. All buildings, including accessory buildings and structures, and uncovered parking spaces, shall not cover more than sixty (60%) percent of the area of a lot.

SEC. 10-2.711. BUILDINGS, PLACEMENT. Placement of building on any lot shall conform to the following:

(a) No building may occupy any portion of a required yard.

(b) All buildings used for human habitation shall not be located closer to a property line than the distance required in the side yard.

(c) The distance between any building used for human habitation and any accessory building or other building used for human habitation on any lot shall be equal to twice the required side yard, but shall not be required to exceed twelve (12') feet.

(d) In the case of a reversed corner lot no building shall be located closer to the side yard of the abutting lot to the rear than the width of the required side yard on such lot to the rear.

SECTION 3. AMENDMENT OF CODE. Sections 10-2.3002.1 and 10-2.3002.2 are hereby added to Chapter 2 of Title X to read as follows:

SEC. 10-2.3002.1. PERMITTED USES UPON APPROVAL OF BOARD OF ZONING ADJUSTMENT.

(a) In any Professional Office Zone, the following uses are permitted upon securing a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of this chapter.

- (1) Churches.
- (2) Convalescent hospitals.
- (3) Rest homes, nursing homes.
- (4) Pharmacies.
- (5) Veterinarians.
- (6) Laboratories including the manufacture, sale and distribution of pharmaceuticals and other similar products.
- (7) Ambulance service.
- (8) Florists.
- (9) Commercial schools.
- (10) Hospital supplies.
- (11) Nonprofit educational and scientific agencies.
- (12) Off-street parking accessory to uses permitted in this chapter.
- (13) Any other use not listed in this article which is determined by the Board to be of the same general character of the uses permitted by this article and is not inconsistent with the purpose of this article.

SEC. 10-2.3002.2 PERMITTED USES UPON APPROVAL OF PLANNING COMMISSION.

(a) In any Professional Office Zone the following uses are permitted subject to plot plan review and approval by the Planning Commission pursuant to Section 10-2.604 and Section 10-2.704.

(1) Residential uses of R-2 density or less. Such development shall be subject to the provisions of Article 5 or Article 6 (whichever is appropriate) of this chapter.

(2) Residential uses of R-3 density or less on parcels having frontage on major streets which are designated on the General Plan. Such development shall be subject to the provisions of Article 5, Article 6 or Article 7 (whichever is appropriate) of this chapter.

SECTION 4. REPEALS. Sections 10-2.216, 10-2.219, 10-2.1613, 10-2.1614, 10-2.1619 and 10-2.3010 of Chapter 2 of Title X of the Modesto Municipal Code are hereby repealed.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June,

1974, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 17th day of June, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Simon, Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: Newton

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: July 17, 1974

ORDINANCE NO. 1365 -C. S.

AN ORDINANCE AMENDING SECTIONS 9-6.03 AND 9-6.07 OF CHAPTER 6 OF TITLE IX 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. Sections 9-6.03 and 9-6.07 of Chapter 6 of Title IX of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 9-6.03. DEFINITIONS. For the purpose of this chapter, 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. Area of a freestanding sign shall be the entire area 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. 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) "Area or Multiple Family Housing Project Sign" shall mean a sign identifying the name of a multiple family housing project and attached to a wall or fence located within the boundaries of a multiple family housing project.

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

(d) "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.

(e) "Canopy or Marquee" shall mean a fixed overhead shelter used as a roof, which may or may not be attached to a building.

(f) "Canopy Sign" shall mean a sign attached to or hung from a canopy but not projecting above the top of the canopy or marquee.

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

(h) "Directional Sign" shall mean a sign 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.

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

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

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

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

(o) "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 9-6.07 (f) (2) of this Code.

(p) "Political Sign" shall mean a sign advertising a candidate for political office, a political party or a measure scheduled for an election.

(q) "Projecting Sign" shall mean any sign attached to and projecting from the face of or above the roof of a building, structure, canopy or marquee.

(r) "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 information sign authorized by federal, state or municipal authority or public utility.

(3) A properly displayed official flag of a government, religious group, or nonprofit organization.

(4) 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.

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

(s) "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.

(t) "Subdivision Directional 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.

(u) "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 or attracts service or price, or which is otherwise designed to attract attention, except as provided for in Sections 4-5.10 and 9-6.03 (x) of this Code.

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

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

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

(y) "Zone" shall mean one of the various classes of area into which the City has been divided by Title X, Planning and Zoning, of the Modesto Municipal Code.

SEC. 9-6.07. SPECIFIC REQUIREMENTS FOR TYPE, AREA AND HEIGHT OF SIGNS BY ZONE. 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) R-1 Zone.

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

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

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

(4) One bulletin board or identification sign not exceeding twelve (12) square feet in area and six (6') feet in height for uses permitted by conditional use permits and unclassified use permits.

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

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

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

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

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

(aa) When the boundaries of any recorded subdivision or any part thereof abut a major street or expressway, one subdivision directional sign is permitted, which sign may be located as follows:

(i) On any vacant lot or parcel which is owned by the subdivision owner.

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

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

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

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

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

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

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

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

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

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

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

(i) The combined area of all of said signs shall not exceed four (4) square feet.

(ii) The overall height shall not exceed four (4') feet.

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

(i) Each sign shall not exceed thirty-two (32) square feet in area.

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

(ac) Political signs shall not be attached to trees, fence posts or utility poles.

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

(ae) Political signs shall be erected no more than thirty (30) days prior to the date of the election.

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

(9) Temporary signs are not permitted.

(10) Window signs are not permitted.

(11) Outdoor advertising signs are not permitted.

(b) R-A and F Zones. Same as R-1 Zone.

(c) R-2 Zone. Same as R-1 Zone with the following addition:

(1) Area or multiple family housing project signs not exceeding twelve (12) square feet in area or six (6') feet in height.

(d) R-3 Zone. Same as R-2 Zone with the following addition:

(1) One identification sign not exceeding twelve (12) square feet in area and six (6') feet in height for a boarding house, lodging house or multiple dwelling.

(e) P-O Zone. Same as R-1 Zone with the following additions:

(1) On major streets one identification sign not exceeding twelve (12) square feet in area and forty-two (42") inches in height.

(2) On collector streets one identification sign not exceeding one square foot in area for each separate use on the premises, and not exceeding twelve (12) square feet in total area, and forty-two (42") inches in height.

(f) C-1 Zone.

(1) Only one freestanding or projecting double-faced identification sign not exceeding one hundred fifty (150) square feet in area, thirty-five (35') feet in height, and thirty (30') feet in length is permitted for each use or occupancy, except that a shopping center, as defined below, shall not be deemed to be a use or occupancy for purposes of this paragraph.

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

(aa) Each shopping center sign shall not exceed one hundred fifty (150) square feet in area, thirty-five (35') feet in height, and thirty (30') feet in length.

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

(ac) Any freestanding or projecting double-faced 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 the erection of a shopping center sign at a shopping center, no additional freestanding or projecting double-faced identification sign shall be erected at such shopping center for any use or occupancy therein.

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

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

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

(ii) A shopping center is normally traversed by any public streets.

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

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

(3) Canopy or wall identification signs are permitted on each wall of a building or structure provided;

(aa) That on the wall designated as principal frontage of a building or structure said signs may not exceed four (4) square feet in combined sign area for each lineal foot of that wall of the building or structure or portion thereof wherein the use or occupancy is conducted.

(ab) That on each of the other walls of the building or structure said signs may not exceed two (2) square feet in combined sign area for each lineal foot of each wall of the building or structure or portion thereof wherein the use or occupancy is conducted.

(4) Six (6) unlighted signs are permitted which do not exceed twelve (12) square feet in combined sign area; such signs may indicate credit cards honored, trading stamps available, or official public services provided on the premises.

(5) Directional or informational signs not exceeding twelve (12) square feet in area or six (6') feet in height are permitted provided they do not bear any advertising message and that such signs are located wholly on private property on the premises to which they pertain.

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

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

(8) One canopy sign not exceeding six (6) square feet in area may be hung from a canopy, providing such sign is not less than seven and one-half (7 1/2') feet above a public or private sidewalk.

(9) Political signs not exceeding one hundred (100) square feet in area and eight (8') feet in height. Said signs may not be erected more than thirty (30) days prior to the date of the election, and shall be removed within ten (10) days after the date of the election.

(10) Temporary signs are not permitted.

(11) Outdoor advertising signs are not permitted.

(12) Window signs are permitted.

(g) M-P Zone. Same as C-1 Zone.

(h) H-i Zone.

(1) Any signs allowed in the C-1 Zone are permitted in the H-1 Zone for uses permitted in Section 10-2.2903 and Section 10-2.2903.1 excepting that freestanding and projecting identification signs as allowed in Section 10-2.807 (a) are not permitted in an H-1 Zone; provided, however, that the Board of Zoning Adjustment may, by a conditional use permit granted in accordance with the provisions of Article 20 of Chapter 2 of Title X of this Code, allow one freestanding sign per use or occupancy. Before any such conditional use permit may be granted by the Board of Zoning Adjustment, both of the following must be 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 the other signs permitted in the H-1 Zone.

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

(i) C-2 Zone. Same as C-1 Zone with the following addition:

(1) Outdoor advertising signs not exceeding three hundred (300) square feet in area, twenty-five (25') feet in height and thirty (30') feet in length except that:

(aa) No outdoor advertising sign shall be located within two hundred (200') feet of an R-1, R-2 or R-3 Zone or a lot or parcel which has been approved for residential development in a P-O, H-1, or P-D Zone without first obtaining a conditional use permit therefor from the Board of Zoning Adjustment in accordance with the provisions of Article 20 of Chapter 2 of Title X of this Code.

(ab) The maximum combined area of outdoor advertising signs located within a family of circles with two hundred fifty (250') foot radii measured from the point or points where the center lines of intersecting streets meet, shall not exceed six hundred (600) square feet.

(j) C-M, M-1, and M-2 Zones. Same as C-2 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. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 1974, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

ATTEST:

APPROVED:

Lee H. Davies
LEE H. DAVIES, Mayor

By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1365-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 June, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: July 17, 1974

AN ORDINANCE AMENDING CHAPTER 9 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE HOUSING CODE.

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

SECTION 1. AMENDMENT OF CODE. Chapter 9 of Title IX of the Modesto Municipal Code is hereby amended to read as follows:

CHAPTER 9 - HOUSING CODE

SEC. 9-9.01. ADOPTION BY REFERENCE OF "HOUSING 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 Housing Code, 1973, Edition" published by the International Conference of Building Officials, which said Code provides for proper regulations for the alteration, relocation, removing, demolition, sanitation, occupancy, vacation, equipment, use and maintenance of residential buildings within the City, and provides procedures for processing appeals on decisions made by the Building Official, and provides for enforcement of orders, performance of work, repair or demolition, and for recovering the costs of repair or demolition, as hereinafter amended, deleted and added to is hereby adopted by reference as the Housing Code of the City of Modesto.

SEC. 9-9.02. TITLE. That Section 101 of said Housing Code be amended to read as follows:

Section 101. This Code shall be known as the "Housing Code", may be cited as such, and will be referred to herein as "this Code".

SEC. 9-9.03. BOARD OF APPEALS. That Section 203 of said Housing Code be amended to read as follows:

Section 203. In order to provide for final interpretation of the provisions of this Code and to hear appeals provided for hereunder, the Board of Appeals created by Section 205 of the "Dangerous Building Code" is hereby designated as the Housing Advisory and Appeals Board for this Code. Appeals to the Board shall be processed in accordance with the provisions contained in Section 1201 of this Code.

SEC. 9-9.04. GENERAL. That Section 1201 of said Housing Code be amended to read as follows:

Section 1201. (a) Form of Appeal. Any person entitled to service under Section 1101 (c) may appeal from any notice and order or any action of the Building Official under this Code by filing at the office of the Building Official within 30 days from the date of the service of such order, a written appeal containing:

(1) A heading in the words: "Before the Board of Appeals of the City of Modesto."

(2) A caption reading: "Appeal of _____," giving the names of all appellants participating in the appeal.

(3) A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.

(4) A brief statement in ordinary and concise language of that specific order or action protested, together with any material facts claimed to support the contentions of the appellant.

(5) A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested order

or action should be reversed, modified or otherwise set aside.

(6) The signatures of all parties named as appellants, and their official mailing addresses.

(b) Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the 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 10 days nor more than 60 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 10 days prior to the date of the hearing to each appellant by the Building Official either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal.

SEC. 9-9.05. DUTIES AND RESPONSIBILITIES OF HOUSING ADVISORY AND APPEALS BOARD. That Section 1301 of said Housing Code be amended to read as follows:

Section 1301. The Building Official shall act as Secretary of the Housing Advisory and Appeals Board and shall keep a record of its proceedings and transactions. The Board shall adopt reasonable rules and regulations for conducting its investigations and hearings, and shall render all decisions and findings in writing. The Board may recommend to the Council such new legislation as is consistent with its duties and responsibilities.

SEC. 9-9.06. REASONABLE DISPATCH. That Section 1302 of said Housing Code be amended to read as follows:

Section 1302. The Board shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

SEC. 9-9.07. HOUSING AND ADVISORY APPEALS BOARD MAY REQUEST REPORTS. That Section 1303 of said Housing Code be amended to read as follows:

Section 1303. Whenever in the course of any proceedings taken hereunder, the Board shall have cause to request additional information, the same may be requested of the Building Inspection Division, the Fire Department, the Health Department, or any other agencies charged by law with enforcement of health or safety requirements of local or State law.

SEC. 9-9.08. FORM OF DECISION. That Section 1304 of said Housing Code be amended to read as follows:

Section 1304. Decisions of the Board shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent to him by certified mail, postage prepaid, return receipt requested.

SEC. 9-9.09. EFFECTIVE DATE OF DECISION. That Section 1305 of said Housing Code be amended to read as follows:

Section 1305. The effective date of decisions of the Board shall be as stated therein.

SECTION 2. FINDINGS AND DECLARATION. As required by Section

17958.7 of the Health and Safety Code of the State of California, the Council of the

City of Modesto finds and declares that the foregoing amendments to the Uniform Housing Code, 1973 Edition, are necessary to facilitate appeals procedures, and to minimize the number of boards and commissions operating under the Charter and Municipal Code of the City of Modesto.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 1974, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton, Simon

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

{SEAL}

APPROVED AS TO FORM:

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 17th day of June, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: July 17, 1974

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 19 75, AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS.

WHEREAS, pursuant to the Charter of the City of Modesto, a proposed budget for the 19 74 - 75 fiscal year has been submitted to the City Council by the City Manager, and the City Council has made such revisions as it has deemed advisable, and

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

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

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

SECTION 1. That the "City of Modesto Preliminary Budget 1974 - 75", presented by the City Manager to the City Council at its meeting held May 6, 19 74, 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, 19 75, and the several amounts stated therein as proposed expenditures are hereby appropriated for the various objects therein described.

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

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of June, 194, by Councilman Elliott, who moved its adoption and passage to print, which motion being duly seconded by Councilman Kullajian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullajian, Mensinger, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED: *Rust Davis*
Mayor

ATTEST:

By *W. T. Chynoweth*
City Clerk

(SEAL)

APPROVED AS TO FORM:

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

AN ORDINANCE ADOPTING A SPECIFIC PLAN FOR YOSEMITE BOULEVARD BETWEEN RIVERSIDE DRIVE AND 884 FEET WEST OF MCCLURE ROAD.

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

SECTION 1. NECESSITY FOR ESTABLISHMENT OF RIGHT-OF-WAY FOR YOSEMITE BOULEVARD BETWEEN RIVERSIDE DRIVE AND 884 FEET WEST OF MCCLURE ROAD. The Modesto Urban Area General Plan Designates Yosemite Boulevard as a major street. The County of Stanislaus has prepared and adopted a specific plan for the portion of Yosemite Boulevard which is between the City of Modesto and the City of Waterford. In order to protect the future right-of-way for Yosemite Boulevard from encroachment by new construction, it is desirable and necessary for the City of Modesto to adopt a specific plan for Yosemite Boulevard between Riverside Drive and 884 feet west of McClure Road.

SECTION 2. ADOPTION OF SPECIFIC PLAN. That certain specific plan for the right-of-way of Yosemite Boulevard between Riverside Drive and 884 feet west of McClure Road titled "Specific Plan Line, Yosemite Boulevard, Riverside Drive to 884 Feet West of McClure Road" dated January, 1974, consisting of two (2) pages, is hereby adopted. Copies of said specific plan are on file in the offices of the City Clerk and the Director of Public Works, and by this reference made a part hereof as though set forth in full herein.

SECTION 3. DESCRIPTION OF RIGHT-OF-WAY. The right-of-way of Yosemite Boulevard between Riverside Drive and 884 feet west of McClure Road is described on the attached Exhibit "A", and by this reference made a part hereof as though set forth in full herein.

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

SECTION 5. FRONT YARD AND SIDE YARD SETBACKS. Front yard and side yard setbacks shall be observed for new construction adjacent to the right-of-way of Yosemite Boulevard between Riverside Drive and 884 feet west of McClure Road adopted by this ordinance, in accordance with the requirements of the zoning classification in which the property is located. Front yards shall be measured in accordance with Section 10-2.1608 of the Modesto Municipal Code.

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

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

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

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

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of July, 1974, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:
By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:
By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:
By Norm Campbell
Public Works Department JCC
7.1.74

YOSEMITE BOULEVARD

Specific Plan for Right of Way, from Riverside Drive to 884 feet West of McClure Road.

A one-hundred (100.00) foot right of way being fifty (50.00) feet each side of a center line described as follows:

Beginning at a point on the North-South quarter section line of Section 26, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, said point being North $00^{\circ} 13' 49''$ West, 17.00 feet, from the South quarter section corner of said Section 26; thence along the center line of a 100.00 foot right of way, said line being parallel with and 17.00 feet, measured at right angles, Northerly from the Southern line of said Section 26, South $89^{\circ} 33' 43''$ East, 2626.62 feet, to a point on the section line common to Sections 25 and 26, Township and Range aforesaid; thence along the center line of a 100.00 foot right of way, said line being parallel with and 17.00 feet, measured at right angles, Northerly from the Southern line of said Section 25, North $89^{\circ} 54' 03''$ East, 1736.44 feet, to a point which is 884 feet West of McClure Road, said point being the quarter corner common to Sections 25 and 26 and the end of this description.

Exhibit "A"

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 8th day of July, 1974, Councilman **Dunlap** moved its final adoption, which motion being duly seconded by Councilman **Mensing**, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: **Dunlap, Elliott, Kullijian, Mensinger, Mayor Davies**
- NOES: Councilmen: **None**
- ABSENT: Councilmen: **Newton, Simon**

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: August 7, 1974

ORDINANCE NO. 1369 -C. S.

AN ORDINANCE AMENDING SECTION 10-2.1505.1 OF ARTICLE 15 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO THE ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.1505.1 of Article 15 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.1505.1. CLASSIFICATION OF ANNEXED TERRITORY.

(a) All territory annexed to the City which has not been rezoned pursuant to Section 10-2.1505 shall automatically be classified with the City's zone classification most comparable to the County's zone classification held immediately prior to its annexation to the City, as shown on the following conversion table, except as provided in subsections (b) and (c) hereof.

Stanislaus County	City of Modesto
F	F
A-2	R-1
R-A	R-1
R-1	R-1
R-2	R-2
R-3	R-3
H-1	H-1
C-1	C-1
C-2	C-2
L-M	M-1
M	M-2

(b) Any territory annexed to the City which in the County was unclassified or in a zoning classification that does not appear in the table specified in subsection (a) above, shall be classified as R-1, Low Density Residential Zone.

(c) The application of County zoning in accordance with the provisions of subsections (a) and (b) of this section shall not prejudice the right of the Council or the Planning Commission to initiate rezoning of any land within the City at a date subsequent to annexation in accordance with the procedures set forth in Articles 21 and 22 of this chapter.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of July, 1974,

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

AYES: Councilmen: **Dunlap, Elliott, Kullijian, Mensinger, Simon, Mayor Davies**

NOES: Councilmen: **None**

ABSENT: Councilmen: **Newton**

APPROVED: *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST:

By *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1369-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 8th day of July, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Mensinger, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton, Simon

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: August 7, 1974

ORDINANCE NO. 1370 -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-COAST MORTGAGE COMPANY)

WHEREAS, a verified application for an amendment to Section 25-3-9 of the Zoning Map was filed by Mid-Coast Mortgage Company on April 16, 1974, to reclassify from One-Family Residential Zone, R-1, to Two-Family Residential Zone, R-2, property located on the east side Lincoln Avenue opposite Penny Lane, and

WHEREAS, subsequent to the time of filing it was determined that in accordance with the Zoning Conversion Table as outlined in Section 10-2.1505.1 of the Modesto Municipal Code, the subject property was annexed automatically as Exclusive Agricultural and Recreational Zone, A-R, rather than R-1; and

WHEREAS, on May 15, 1974, by Resolution No. 74-71, the Planning Commission adopted a resolution of intention to rezone from A-R to R-2 the property which Mid-Coast Mortgage Company originally applied for R-2 zoning and to rezone the remainder of the applicant's property from A-R to R-1, both properties being described as follows:

A-R to R-1:

All that certain real property situate in a portion of Lots 5 and 8, Land of H. T. Crow as shown on map filed in Volume 2 of Maps, Page 28, Stanislaus County Records located in the West half of Section 25, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning at the southwest corner of the northwest one-quarter of Section 25, Township 3 South, Range 9 East, Mount Diablo Base and Meridian; thence easterly along the east - west quarter section line of said Section 25, 20 feet to a point on the centerline of Lincoln Avenue, also being the true point of beginning; thence North $00^{\circ}31'51''$ West along the centerline of Lincoln Avenue 661.42 feet; thence North $89^{\circ}33'02''$ East 1288.54 feet; thence South $00^{\circ}33'55''$ East 661.46 feet to a point on the said east-west quarter section line of Section 25; thence South $00^{\circ}34'12''$ East 110.00 feet; thence South $89^{\circ}33'09''$ West 1288.99 feet to a point on the centerline of Lincoln Avenue; thence North $00^{\circ}32'27''$ West along the centerline of Lincoln Avenue 110.00 feet to the true point of

of beginning, excepting that portion thereof which is being rezoned from A-R to R-2 and described below.

A-R to R-2:

Commencing at quarter section corner common to Sections 25 and 26; thence North 89°33'09" East along the east-west quarter section line of said Section 25 a distance of 20.00 feet to the center line of a 40.00 foot wide road known as Lincoln Avenue and the point of beginning of this description; thence North 0°31'51" West along said center line of Lincoln Avenue a distance of 661.42 feet to a point on the North line of the South half of said Lot 5 of Land of H. T. Crow; thence North 89°33'02" East along said North line of the South half of Lot 5 a distance of 270.54 feet; thence South 0° 26'58" East 100.00 feet; thence South 0°49'51" East 50.00 feet; thence South 0°26'58" East 250.00 feet; thence South 0°26'51" East 214.32 feet; thence South 14°58'07" East 60.83 feet; thence South 0°26'51" East 98.22 feet to a point on a line which is parallel with and 110.00 feet southerly of said east-west quarter section line of Section 25; thence South 89°33'09" West along said parallel line a distance of 285.00 feet to said center line of Lincoln Avenue; thence North 0°32'27" West along said center line of Lincoln Avenue a distance of 110.00 feet to the point of beginning.

and

WHEREAS, after public hearing held on June 18, 1974, it was found and determined by the Planning Commission that rezoning of the property is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 74-104, adopted on June 18, 1974, the Planning Commission recommended to the Council that the rezoning, as initiated by the Planning Commission to amend Section 25-3-9 of the Zoning Map to reclassify the above-described property from Exclusive Agricultural and Recreational Zone, A-R, to One-Family Residential Zone, R-1, and Two-Family Residential Zone, R-2, be approved, and

WHEREAS, the Council certifies it has received and reviewed the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration of environmental impact of the subject rezoning,

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 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.

SECTION 2. ZONING CHANGE. Section 25-3-9 of the Zoning Map is hereby amended to reclassify the above described property from Exclusive Agricultural and Recreational Zone, A-R, to One-Family Residential Zone, R-1, and Two-Family Residential Zone, R-2, as set forth above.

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. 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 5. 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 preserving the public peace, health and safety for the following reason:

A tentative subdivision map on the herein described property was approved by the planning Commission on March 5, 1974. When the owners annexed said property to the city, effective April 4, 1974, it came into the city as A-R, Exclusive Agricultural and Recreational Zone, rather than R-1, Single-Family Zone, without the city's or the subdivider's awareness, and therefore, the final subdivision map which was to have been filed by the subdivider soon after April 4, 1974, could not be filed because of the A-R zoning on said property. Therefore, because the subdivider has already been exposed to a three (3) month delay, this ordinance should be adopted as an emergency ordinance in order that another thirty (30) days will not be added to the delay.

SECTION 6. PUBLICATION. This ordinance shall be published in full in the Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of July, 1974, by Councilman Kullijian who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

BY Clifford D. Shields
Planning Department

**Ordinance 1370 C.S.
Exhibit A – Map**

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

ORDINANCE NO. 1371 -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-COAST MORTGAGE COMPANY)

WHEREAS, a verified application for an amendment to Section 25-3-9 of the Zoning Map was filed by Mid-Coast Mortgage Company on April 16, 1974, to reclassify from One-Family Residential Zone, R-1, to Two-Family Residential Zone, R-2, property located on the east side Lincoln Avenue opposite Penny Lane, and

WHEREAS, subsequent to the time of filing it was determined that in accordance with the Zoning Conversion Table as outlined in Section 10-2.1505.1 of the Modesto Municipal Code, the subject property was annexed automatically as Exclusive Agricultural and Recreational Zone, A-R, rather than R-1; and

WHEREAS, on May 15, 1974, by Resolution No. 74-71, the Planning Commission adopted a resolution of intention to rezone from A-R to R-2 the property which Mid-Coast Mortgage Company originally applied for R-2 zoning and to rezone the remainder of the applicant's property from A-R to R-1, both properties being described as follows:

A-R to R-1:

All that certain real property situate in a portion of Lots 5 and 8, Land of H. T. Crow as shown on map filed in Volume 2 of Maps, Page 28, Stanislaus County Records located in the West half of Section 25, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning at the southwest corner of the northwest one-quarter of Section 25, Township 3 South, Range 9 East, Mount Diablo Base and Meridian; thence easterly along the east - west quarter section line of said Section 25, 20 feet to a point on the centerline of Lincoln Avenue, also being the true point of beginning; thence North 00° 31'51" West along the centerline of Lincoln Avenue 661.42 feet; thence North 89°33'02" East 1288.54 feet; thence South 00°33'55" East 661.46 feet to a point on the said east-west quarter section line of Section 25; thence South 00°34'12" East 110.00 feet; thence South 89°33'09" W West 1288.99 feet to a point on the centerline of Lincoln Avenue; thence North 00°32'27" West along the centerline of Lincoln Avenue 110.00 feet to the true point of

of beginning, excepting that portion thereof which is being rezoned from A-R to R-2 and described below.

A-R to R-2:

Commencing at quarter section corner common to Sections 25 and 26; thence North 89°33'09" East along the east-west quarter section line of said Section 25 a distance of 20.00 feet to the center line of a 40.00 foot wide road known as Lincoln Avenue and the point of beginning of this description; thence North 0°31'51" West along said center line of Lincoln Avenue a distance of 661.42 feet to a point on the North line of the South half of said Lot 5 of Land of H. T. Crow; thence North 89°33'02" East along said North line of the South half of Lot 5 a distance of 270.54 feet; thence South 0° 26'58" East 100.00 feet; thence South 0°49'51" East 50.00 feet; thence South 0°26'58" East 250.00 feet; thence South 0°26'51" East 214.32 feet; thence South 14°58'07" East 60.83 feet; thence South 0°26'51" East 98.22 feet to a point on a line which is parallel with and 110.00 feet southerly of said east-west quarter section line of Section 25; thence south 89°33'09" west along said parallel line a distance of 285.00 feet to said center line of Lincoln Avenue; thence North 0°32'27" West along said center line of Lincoln Avenue a distance of 110.00 feet to the point of beginning.

and

WHEREAS, after public hearing held on June 18, 1974, it was found and determined by the Planning Commission that rezoning of the property is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 74-104, adopted on June 18, 1974, the Planning Commission recommended to the Council that the rezoning, as initiated by the Planning Commission to amend Section 25-3-9 of the Zoning Map to reclassify the above-described property from Exclusive Agricultural and Recreational Zone, A-R, to One-Family Residential Zone, R-1, and Two-Family Residential Zone, R-2, be approved, and

WHEREAS, the Council certifies it has received and reviewed the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration of environmental impact of the subject rezoning,

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 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.

SECTION 2. ZONING CHANGE. Section 25-3-9 of the Zoning Map is hereby amended to reclassify the above described property from Exclusive Agricultural and Recreational Zone, A-R, to One-Family Residential Zone, R-1, and Two-Family Residential Zone, R-2, as set forth above.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of July, 1974, by Councilman Kullijian who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

ATTEST W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

BY William Fields
Planning Department

Ordinance 1371 C.S.
Exhibit A – Map

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of July, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Simon, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Newton

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: August 21, 1974

AN ORDINANCE AMENDING SECTION MAP 8-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO PREZONING CERTAIN PROPERTY LOCATED THEREON. (WILSON EDSSEL SALES, INC., DBA WILSON LINCOLN MERCURY)

WHEREAS, a verified application for an amendment to Section 8-3-9 of the Zoning Map was filed by Wilson Edsel Sales, Inc. dba Wilson Lincoln Mercury on April 25, 1974, to prezone to Highway Frontage Zone, H-1, Two-Family Residential Zone, R-2, and One-Family Residential Zone, R-1, the hereinafter described property, and

WHEREAS, after public hearing held on June 18, 1974, 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. 74-107, adopted on June 18, 1974, the Planning Commission recommended to the Council that the application of Wilson Edsel Sales, Inc., dba Wilson Lincoln Mercury to amend Section 8-3-9 of the Zoning Map to prezone the hereinafter described property to Highway Frontage Zone, H-1, Two-Family Residential Zone, R-2, and One-Family Residential Zone, R-1, be approved, and

WHEREAS, the Council certifies it has received and reviewed the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration of environmental impact of the subject prezonings,

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 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.

SECTION 2. ZONING CHANGE. Section 8-3-9 of the Zoning Map is hereby amended to prezone the following described property to Highway Frontage Zone, H-1:

Prezone P-H-1:

All that certain real property situate in a portion of of the Northeast quarter of Section 8, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

Beginning at the Northeast corner of said Section 8; thence South 1°20'50" East along the East line of said Section 8, being also the center line of McHenry Avenue, a distance of 335.00 feet; thence North 89°45'45" West 701.76 feet; thence North 1°20'50" West, 335.00 feet to the North line of said Section 8; thence South 89°45'45" East along said North line of Section 8 a distance of 701.76 feet to the point of beginning.

Containing: 5.397 acres.

SECTION 3. ZONING CHANGE. Section 8-3-9 of the Zoning Map is hereby amended to prezone the following described property to Two-Family Residential Zone, R-2:

Prezone P-R-2:

COMMENCING at the Northeast corner of said Section 8; thence South 1°20'50" East along the East line of said Section 8, being also the centerline of McHenry Avenue, a distance of 335.00 feet; thence North 89°45'45" West 701.76 feet to the point of beginning; thence continuing North 89°45'45" West 250.00 feet; thence North 1°20'50" West 335.00 feet to the North line of said Section 8; thence South 89°45'45" East along said North line of Section 8 a distance of 250.00 feet; thence South 1°20'50" East 335.00 feet to the point of beginning.

Containing 1.923 acres.

SECTION 4. ZONING CHANGE. Section 8-3-9 of the Zoning Map is hereby amended to prezone the following described property to One-Family Residential Zone, R-1:

Prezone P-R-1:

COMMENCING at the Northeast corner of said Section 8; thence South 1°20'50" East along the East line of said Section 8, being also the centerline of McHenry Avenue, a distance of 335.00 feet; thence North 89°45'45" West 951.76 feet to the point of beginning; thence continuing North 89°45'45" West 366.50 feet to the west line of the Northeast quarter of the Northeast quarter of said Section 8; thence North 1°20'40" West along said west line a distance of 335.00 feet to the North line of said Section 8; thence South 89°45'45" East along said North line of Section 8, a distance of 366.49 feet; thence South 1°20'50" East 335.00 feet to the point of beginning.

Containing 2.819 acres.

SECTION 5. ZONING MAP. Section 8-3-9 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 6. 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 7. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of July, 1974, by Councilman Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

BY William Nichols
Planning Department

Ordinance 1372 C.S.
Exhibit A – Map

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of July, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED 
LEE H. DAVIES, Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: August 21, 1974

AN ORDINANCE AMENDING SECTIONS 10-2.225, 10-2.234, 10-2.259.1, AND 10-2.502 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTIONS 10-2.255 AND 10-2.259.2 RELATING TO THE ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 10-2.225, 10-2.234, 10-2.259.1 and 10-2.502 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.225. FAMILY. An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than five (5) persons, who are not related by blood, marriage, or adoption, excluding servants, living together as a single housekeeping unit in a dwelling unit.

SEC. 10-2.234. KENNEL. A place where three (3) or more dogs of five (5) months of age or older are kept.

10-2.259.1. SLEEPING QUARTERS. A bedroom, which may include a bathroom, in which case they shall be counted as one room.

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

- (a) Single family dwelling.
- (b) Storm drainage basins and related facilities which serve residentially zoned property.
- (c) The following uses upon the securing of a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of this chapter:
 - (1) Church; wedding chapel.
 - (2) Child day care for more than six (6) children, in addition to members of the family.
 - (3) Rest home.
 - (4) Public buildings or grounds operated by any governmental agency.
 - (5) Public utilities or utilities operated by mutual agencies, including electrical substations, gas metering stations, telephone exchanges, power boosters, or conversion plants, with the building apparatus or appurtenances thereto.
 - (6) Radio or television transmitter.
 - (7) Tower.
 - (8) Private recreational grounds and facilities not open to the general public and to which no admission charge is made.
 - (9) Family care home serving a maximum of six (6) persons except that no conditional use permit is required if not more than three (3) persons are being served. A similar facility serving seven (7) or more persons shall be deemed an unclassified use.
 - (10) Storm drainage basins and related facilities which serve an adjacent nonresidentially zoned property.

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

(d) The following residential uses:

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

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

(e) Home occupations when authorized under a permit granted in accordance with the provisions of Section 10-2. 2502.

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

(1) Household pets, subject to the provisions of Section 10-2. 233.

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

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

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

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

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

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

(h) The following signs:

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

(2) Three (3) unlighted open house directional signs, which do not exceed three (3) square feet in area each, are permitted during daylight hours only, for each house or group of houses offered for sale by the same realtor at the same general location, provided they do not bear any advertising message and that such signs are located wholly on private property with permission of the property owner on whose property they are located.

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

(4) One bulletin board or identification sign not exceeding twelve (12) square feet in area and six (6') feet in height for uses permitted by a conditional use permit and unclassified use permits.

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

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

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

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

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

(aa) When the boundaries of any recorded subdivision or any part thereof abut a major street or expressway, one subdivision directional sign is permitted, which sign may be located as follows:

(i) On any vacant lot or parcel which is owned by the subdivision owner.

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

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

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

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

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

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

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

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

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

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

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

(i) The combined area of all of said signs shall not exceed four (4) square feet.

(ii) The overall height shall not exceed four (4') feet.

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

(i) Each sign shall not exceed thirty-two (32) square feet in area.

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

(ac) Political signs shall not be attached to trees, fence posts, or utility poles.

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

(ae) Political signs shall be erected no more than thirty (30) days prior to the date of the election.

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

(9) Temporary signs are not permitted.

(10) Window signs are not permitted.

(11) Outdoor advertising signs are not permitted.

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

(j) A parking area, provided:

(1) A conditional use permit has been obtained in accordance with Article 20 of this chapter.

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

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

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

SECTION 2. AMENDMENT OF CODE. Sections 10-2.255 and 10-2.259.2 are hereby added to Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.255. PROPRIETOR. An owner, lessee, or occupant who has legal control or responsibility over the entire premises.

SEC. 10-2.259.2. SMALL ANIMAL HOSPITAL. A hospital and/or boarding kennel facility available only for small animals, such as dogs, cats and other household pets, excluding any diagnosis or treatment on the premises of cattle, horses and commercial poultry, the entire facility to be completely enclosed within a building except for the parking of automobiles.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 1974, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of August, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: Simon

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: September 4, 1974

AN ORDINANCE AMENDING SECTION MAP 8-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (PLANNING COMMISSION INITIATED - STANDIFORD AVENUE EAST OF COLUMBINE DRIVE)

WHEREAS, an amendment to Section 8-3-9 of the Zoning Map was initiated by the Planning Commission by Resolution No. 74-69 on May 15, 1974, to reclassify from Exclusive Agricultural and Recreational Zone, A-R, to One-Family Residential Zone, R-1, the hereinafter described property, and

WHEREAS, after public hearing held on June 18, 1974, 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. 74-106, adopted on June 18, 1974, the Planning Commission recommended to the Council that the Planning Commission initiated amendment to Section 8-3-9 of the Zoning Map to reclassify the hereinafter described property from Exclusive Agricultural and Recreational Zone, A-R, to One-Family Residential Zone, R-1, be approved, and

WHEREAS, the Council certifies it has recieved and reviewed the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration of environmental impact of the rezoning,

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 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.

SECTION 2. ZONING CHANGE. Section 8-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Exclusive Agricultural and Recreational Zone, A-R, to One-Family Residential Zone, R-1:

All of Parcel "A" as shown on the map filed April 30, 1968, in Book 5 of Parcel Maps at Page 62, Instrument No. 13298 in the Stanislaus County Records.

Including also, the northerly 45 feet of Standiford Avenue immediately adjacent to the south line of said Parcel "A".

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 1974, by Councilman Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Smith
Planning Department

Ordinance 1374 C.S.
Exhibit A – Map

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

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 August, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: Simon

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: September 4, 1974

AN ORDINANCE AMENDING SECTION MAP 8-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (PLANNING COMMISSION INITIATED - WEST SIDE OF MC HENRY, BOTH SIDES OF UNION AVENUE)

WHEREAS, an amendment to Section 8-3-9 of the Zoning Map was initiated by the Planning Commission by Resolution No. 74-70 on May 15, 1974, to reclassify from Exclusive Agricultural and Recreational Zone, A-R, to One-Family Residential Zone, R-1, the hereinafter described property, and

WHEREAS, after public hearing held on June 18, 1974, 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. 74-105, adopted on June 18, 1974, the Planning Commission recommended to the Council that the Planning Commission initiated amendment to Section 8-3-9 of the Zoning Map to reclassify the hereinafter described property from Exclusive Agricultural and Recreational Zone, A-R, to One-Family Residential Zone, R-1, be approved, and

WHEREAS, the Council certifies it has received and reviewed the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration of environmental impact of the rezoning,

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 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.

SECTION 2. ZONING CHANGE. Section 8-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Exclusive Agricultural and Recreational Zone, A-R, to One-Family Residential Zone, R-1:

Parcel I

All of Parcel "D" as shown on the map filed May 25, 1973, in Book 17 of Parcel Maps at Page 3, Instrument No. 51335 in the Stanislaus County Records.

Including also, the southerly 30 feet of Union Avenue immediately adjacent to the north line of said Parcel "D".

Including also, the westerly 55 feet of McHenry Avenue immediately adjacent to the above described property.

Parcel II

All of the westerly 366.5 feet of Parcel "B" as shown on the map filed May 25, 1973 in Book 17 of Parcel Maps at Page 3, Instrument 51335 in the Stanislaus County Records.

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

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

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


The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 1974, by Councilman Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Simon, Mayor Davies


NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED:



LEE H. DAVIES, Mayor

ATTEST


W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By 
William Nichols
Planning Department

Ordinance 1375 C.S.
Exhibit A – Map

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

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 August, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Mayor Davies


NOES: Councilmen: None

ABSENT: Councilmen: Simon

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH City Clerk

EFFECTIVE DATE: September 4, 1974

AN ORDINANCE ADDING ARTICLE 9 TO CHAPTER 1 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO REGULATION OF DRIVE-IN THEATERS.

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

SECTION 1. AMENDMENT OF CODE. Article 9 is hereby added to Chapter 1 of Title IV of the Modesto Municipal Code to read as follows:

ARTICLE 9. DRIVE-IN THEATERS

SEC. 4-1. 901. FINDINGS AND PURPOSE.

(a) The City Council finds that explicit exhibitions of human sexuality and nudity at drive-in theaters can be viewed by minors from public and private property outside the premises of drive-in theaters in the City of Modesto; that drivers of motor vehicles on streets and highways in the city can be dangerously distracted by viewing such exhibitions at drive-in theaters; that such portrayals and exhibitions at drive-in theaters can be so obtrusive as to make it impossible for an unwilling individual to avoid exposure to them; that the visibility of such portrayals and exhibitions at drive-in theaters can impair the value and enjoyment of public and private property in this city adjacent to such theaters; and that the visibility of such portrayals and exhibitions from private property beyond the theater's boundaries can constitute an unreasonable interference with the right of privacy of residents inhabiting such private property. The Council further finds that existing legal remedies are inadequate to correct this condition which can have a significant impact upon the citizens of this city. The provisions of this article relating to the regulation of explicit portrayal and exhibition of human sexuality and nudity at drive-in theaters are, therefore, necessary for the public welfare.

(b) The City Council declares that the purpose of this article is to exercise the general police power in order to protect the enjoyment of public and private property, to protect the right of privacy, to preserve property values, to protect the morals of minors, and to promote traffic safety and control. This article is intended to regulate the explicit portrayal and exhibition of human sexuality and nudity in motion pictures, still pictures, slides, shows and other exhibits at drive-in theaters when such portrayal or exhibition is visible from public or private property outside the premises upon which the theater is located. This article shall not apply to indoor theaters.

SEC. 4-1. 902. DECLARATION OF PUBLIC NUISANCE.

(a) The showing or exhibition at a drive-in theater of any motion picture, still picture, slide, show or other exhibit visible from property outside the premises of the drive-in theater which, in whole or in part, depicts or displays the human male or female genitals or pubic area with less than a full opaque covering shall constitute a public nuisance.

(b) The showing or exhibition at a drive-in theater of any motion picture, still picture, slide, show or other exhibit visible from property outside the premises of the drive-in theater which depicts or displays human beings or caricatures of human beings engaging in acts or simulated acts of sexual intercourse, oral copulation, rectal intercourse, annilingus, fellatio, cunnilingus or bestiality shall constitute a public nuisance.

(c) For purposes of this article, drive-in theater shall mean and include any land or premises containing a stage or screen designed primarily for the presentation and exhibition of motion pictures, still pictures, slides or shows.

SEC. 4-1.903. PENALTY. A public nuisance maintained or existing in violation of this article shall be enjoined, abated and prevented in the manner provided for the abatement of a public nuisance by the laws of the State of California.

SEC. 4-1.904. INAPPLICABILITY OF CRIMINAL PENALTIES. The criminal liability provisions of Section 1-2.01 of this Code are inapplicable to persons creating the public nuisance described in Section 4-1.902 of this article.

SEC. 4-1.905. SEVERABILITY. If any section, subdivision, paragraph, sentence, clause or phrase of this article or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this article or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 1974, by Councilman Elliott, who moved its introduction and passage to print, which motion

being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of August, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Simon

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: September 4, 1974

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS
THE STANDIFORD-CARVER NO. 1 ADDITION TO THE
CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by the City of Modesto, Stone Brothers & Associates, Horn Construction Company, J. W. Gish, Dorothy B. Gish, C. W. Brower, Inc., George Stavrakakis and Caliopi Stavrakakis

on June 10, 1974, to annex to the City of Modesto under the provisions of the Annexation of Uninhabited Territory Act of 1939, as amended, certain uninhabited territory, hereinafter described and designated as the Standiford-Carver No. 1 Addition, situated in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 17th day of June, 1974, set said petition for hearing at the hour of 7:30 o'clock P.M. on the 12th day of August, 1974, in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so finds that a copy of the resolution giving notice of the proposed annexation and fixing the time and place for hearing objections to the proposed annexation was published in newspapers of general circulation, to wit: The Modesto Bee, a newspaper published in the City of Modesto on June 1, 1974, and on June 8, 1974; and in The Ceres Courier, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on June 26, 1974, and on July 3, 1974, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto to each person to whom land within the territory proposed to be annexed was assessed on the last equalized assessment roll available on the date the proceedings were initiated, at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed

not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, the Stanislaus County Local Agency Formation Commission did on May 22, 1974, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 12th day of August, 1974, at the hour of 7:30 o'clock P.M., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, said territory is contiguous to the City of Modesto and is uninhabited territory in the County of Stanislaus, and

WHEREAS, the Council certifies it has received and reviewed the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration of environmental impact of the subject annexation,

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

SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

SECTION 2. The area or territory so annexed, designated as the Standiford-Carver No. 1 Addition, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

SECTION 4. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this ordinance.

SECTION 5. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

SECTION 6. The City Clerk is hereby authorized and directed to comply with the provisions of Sections 34080, 34081 and 54900 through 54904, both inclusive, of the Government Code of the State of California relating respectively to the filing of an affidavit of completion of annexation proceedings and the filing of a statement of change of boundary.

SECTION 7. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall become effective immediately upon its adoption.

SECTION 8. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of August, 1974, by Councilman Elliott, who moved its adoption and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Newton, Mayor Davies

NOES: Councilmen: Mensinger

ABSENT: Councilmen: Simon

APPROVED:

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Ross Campbell
Public Works Department

Bill
8-2-74

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

Beginning at a point on the existing City Limits as established by the Northwestern corner of the FRANCEK ADDITION (150), as per description filed February 8, 1963, as Instrument 5121, Stanislaus County Records, said point being on the Southern line of a 40.00 foot public road known as Standiford Avenue, said point also being on the West line of the Northeast quarter of the Southeast quarter of said Section 7; thence leaving the existing City Limits and along said West line of the Northeast quarter of the Southeast quarter and the West line of the Southeast quarter of the Northeast quarter of Section 7, North $00^{\circ} 39' 40''$ West 1338.46 feet, to the Northwestern corner of said Southeast quarter of the Northeast quarter of Section 7; thence along the Northern line of the Southeast quarter of the Northeast quarter of Section 7, South $88^{\circ} 51' 43''$ East, 584.28 feet, to the Southwestern corner of PALAMINO ESTATES Subdivision, as per map filed February 9, 1972 in Volume 23 of Maps, Page 64, Stanislaus County Records; thence along the Western line of said Palamino Estates Subdivision, North $00^{\circ} 41' 05''$ West, 414.48 feet, to the Northeastern corner of property conveyed to J. W. Gish, et ux, by Deed recorded April 12, 1940, as Instrument 4180, Stanislaus County Records; thence along the Northern line of said Gish property and its Westerly extension, North $88^{\circ} 56' 25''$ West, 2129.24 feet, to a point on the center line of a 40.00 foot public road known as Carver Road; thence along said center line of Carver Road, South $00^{\circ} 41' 50''$ East, 160.24 feet, to its intersection with the Easterly extension of a Northern line of property conveyed to Roger D. Smith, et ux, by Deed recorded May 11, 1973, as Instrument 49019, Stanislaus County Records; thence along said Northern line of the Smith property and its Easterly extension, North $88^{\circ} 56' 25''$ West, 365.00 feet; thence along an Eastern line of the Smith property, North $00^{\circ} 41' 50''$ West, 157.00 feet; thence along the most Northerly line of the Smith property, North $88^{\circ} 56' 25''$ West, 955.42 feet, to the Northwestern corner thereof; thence along the Western line of the Smith property and the Western line of the property conveyed to Crocker-Citizens National Bank, by Deed recorded July 22, 1967, as Instrument 24804, Stanislaus County Records, South $00^{\circ} 42' 30''$ East, 1728.06 feet, to a point on the East-West quarter section line of Section 7 and the center line of 40.00 foot wide Standiford Avenue; thence along said East-West quarter section line and said center line of Standiford Avenue, South $88^{\circ} 55' 20''$ East, 1320.16 feet, to its intersection with the center line of said Carver Road; thence along the center line of Carver Road, South $00^{\circ} 39' 20''$ East, 542.00 feet, to a Northwestern corner of the MONTCLAIR NO. 3 ADDITION (274), as per description filed August 8, 1971, as Instrument 29022, Stanislaus County Records; thence along the existing City Limits and the boundary of said ADDITION (274) the following courses; South $88^{\circ} 55' 20''$ East, 519.00 feet; North $00^{\circ} 39' 20''$ West, 542.00 feet; South $88^{\circ} 55' 20''$ East, 272.45 feet; South $00^{\circ} 50' 00''$ East, 270.01 feet; South $88^{\circ} 55' 20''$ East, 751.75 feet; and North $00^{\circ} 39' 40''$ West, 250.00 feet, to the point of beginning, containing 129092 Acres, more or less.

ORDINANCE NO. 1378 -C. S.

AN ORDINANCE AMENDING SECTION 4-6.304 OF ARTICLE 3 OF CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTION 4-6.308 THERETO RELATING TO TAXICAB RATES.

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

SECTION 1. AMENDMENT OF CODE. Section 4-6.304 of Article 3 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-6.304. BASIS OF CHARGES. All charges for transportation of passengers in taxicabs operated in the City must be based on the charges indicated on said taximeter, and it shall be unlawful for any owner, driver or operator of any taxicab to charge any passenger any sum in excess of the sum indicated on said taximeter, unless:

(a) The trip begins or ends outside the City limits, in which event a flat rate shall be charged as provided in Section 4-6.302.

(b) A flat rate is charged as provided in Section 4-6.308.

SECTION 2. AMENDMENT OF CODE. Section 4-6.308 is hereby added to Article 3 of Chapter 6 of Title IV of the Modesto Municipal Code to read as follows:

SEC. 4-6.308. FLAT RATE CHARGES FOR USE OF TAXICABS IN CITY.

(a) A taxicab may be used to transport passengers for trips which begin and end in the City for the following flat rate charges:

(1) 50¢ per passenger with a minimum of \$1.00 when only one passenger occupies the taxicab for the entire trip.

(b) Whenever a taxicab is used to transport passengers for trips which begin and end in the City for the flat rate charges set forth in this section, the owner or driver of such a taxicab shall not be required to:

(1) Use the taximeter in such taxicab as otherwise required by this article.

(2) Take the most direct route possible as required by Section 4-6.601.

(3) Comply with the provisions of Section 4-6.607.

(c) Whenever a taxicab is used to transport passengers for trips which begin and end in the City for the flat rate charges set forth in this section, the taxi driver shall inform each passenger at the time the passenger enters the taxicab that it is a nonmetered trip and that the passenger will be charged in accordance with the flat rate charges set forth in this section.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of August, 1974, by Councilman Mensing, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Elliott, Mensinger, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap, Kullijian, Newton

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1378-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 August, 1974, Councilman Newton moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None


ABSENT: Councilmen: Dunlap

APPROVED



LEE H. DAVIES, Mayor

ATTEST:



W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: September 25, 1974

AN ORDINANCE AMENDING SECTION MAP 9-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (PLANNING COMMISSION INITIATED - SOUTH EAST ROBINHOOD AND MC HENRY)

WHEREAS, an amendment to Section 9-3-9 of the Zoning Map was initiated by the Planning Commission on June 4, 1974, by Resolution No. 74-83, to reclassify from Medium High Density Residential Zone, R-3, to Highway Frontage Zone, H-1, the property located south of Robinhood Drive on the east side of McHenry Avenue, as shown on the map titled "Southeast Robinhood and McHenry Zoning Study Map, June 4, 1974," which map is on file in the office of the Planning Director, and

WHEREAS, after public hearing held on July 16, 1974, 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. 74-123, adopted on July 16, 1974, the Planning Commission recommended to the Council that the Planning Commission initiated amendment to Section 9-3-9 of the Zoning Map to reclassify the property located south of Robinhood Drive on the east side of McHenry Avenue, from Medium High Density Residential Zone, R-3, to Highway Frontage Zone, H-1 be approved,

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 requested rezoning will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The subject property is the only McHenry Avenue frontage from the downtown area to the Sylvan-Standiford intersection which is in the City limits that is not now zoned for commercial use.
2. Rezoning from R-3 to H-1 would be in conformance with the Modesto Urban Area General Plan which specifies general commercial use along McHenry Avenue.

SECTION 2. ZONING CHANGE. Section 9-3-9 of the Zoning Map is hereby amended to reclassify from Medium High Density Residential Zone, R-3, to Highway Frontage Zone, H-1, the property located south of Robinhood Drive on the east side of McHenry Avenue, and more particularly as shown on the map titled "Southeast Robinhood and McHenry Proposed Rezoning, July 16, 1974," a copy of which is attached hereto.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of August, 1974, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:
By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:
By William Richards
Planning Department

Ordinance 1379 C.S.
Exhibit A – Map

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

AN ORDINANCE AMENDING SECTION MAPS 2-4-9, 3-4-9,
34-3-9 and 35-3-9 OF THE ZONING MAP OF THE CITY
OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED
THEREON. (PLANNING COMMISSION INITIATED - AIRPORT)

WHEREAS, an amendment to Sections 2-4-9, 3-4-9, 34-3-9 and 35-3-9 of the Zoning Map was initiated by the Planning Commission on June 4, 1974, by Resolution No. 74-86 to reclassify from Low Density Residential Zone, R-1, and Heavy Industrial Zone, M-2, to Light Industrial Zone, M-1, an area which encompasses the Modesto City-County Airport, which area is located west of Mitchell Road, east of South Conejo Avenue, north of the Tuolumne River, and south of Tenaya Drive as shown on the map titled "Airport Zoning Study Map, June 4, 1974," which map is on file in the office of the Planning Director, and

WHEREAS, after public hearing held on July 16, 1974, 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. 74-126, adopted on July 16, 1974, the Planning Commission recommended to the Council that the Planning Commission initiated amendments to Sections 2-4-9, 3-4-9, 34-3-9 and 35-3-9 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, and Heavy Industrial Zone, M-2, to Light Industrial Zone, M-1, be approved,

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 requested rezoning 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. M-1 zoning as proposed best reflects the existing and potential land uses of the airport property.
2. M-1 zoning as proposed would be more consistent with the Modesto Urban Area General Plan Map.

SECTION 2. ZONING CHANGE. Sections 2-4-9, 3-4-9, 34-3-9 and 35-3-9 of the Zoning Map are hereby amended to reclassifying from Low Density Residential Zone, R-1, and Heavy Industrial Zone, M-2, to Light Industrial Zone, M-1, the area which encompasses the Modesto City-County Airport, which area is located west of Mitchell Road, east of South Conejo Avenue, north of the Tuolumne River, and south of Tenaya Drive and more particularly as shown on the map titled "Airport Proposed Rezoning, July 16, 1974," a copy of which is attached hereto.

SECTION 3. ZONING MAP. Sections 2-4-9, 3-4-9, 34-3-9 and 35-3-9 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. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of August, 1974, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:
By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:
By William Nichols
Planning Department


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 September, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Mensinger, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED 
~~XXXXXXXXXXXXXXXXXXXX~~
RAYMOND C. SIMON, Vice Mayor

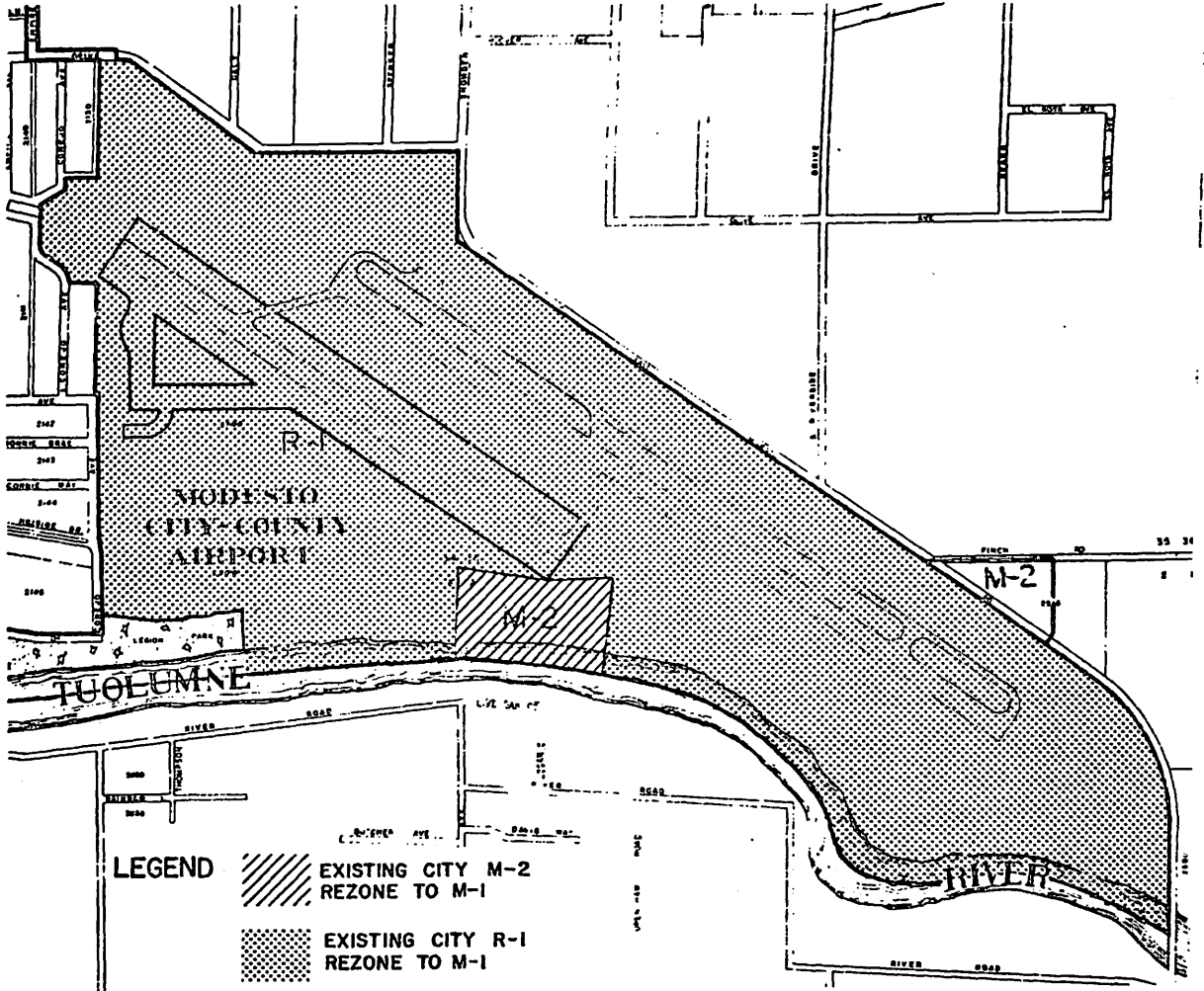
ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: October 10, 1974

Ordinance 1380 C.S.
Exhibit A – Map

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

AIRPORT PROPOSED REZONING - JULY 16, 1974



AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1974-75 AND REPEALING ORDINANCE 1290-C. S.

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

SECTION 1. DEFINITION: TAX CODE AREA. A geographical area within the City of Modesto as established by the State Board of Equalization for the purpose of taxation and as shown on the tax code area maps on file in the Office of the Assessor of Stanislaus County, State of California.

SECTION 2. TAX RATE. There is hereby levied upon the assessed valuation of the property in the following described tax code areas situated in the City of Modesto, State of California, for the fiscal year beginning July 1, 1974, and ending June 30, 1975, the rates of taxation hereinafter specified, said rates being upon each One Hundred and no/100ths (\$100.00) Dollars of the valuation according to the equalized assessment roll, to wit:

(a) Tax Code Areas No. 2-01; 2-02; 2-03; 2-05; 2-06; 2-07; 2-08; 2-09; 2-10; 2-11; 2-12; 2-13; 2-14; 2-15; 2-18; 2-19; 2-20; 2-21; 2-22; 2-23; and 2-24:

For the General Fund	\$ 1.06
For the Park Fund	<u>.04</u>
The aggregate of said sums, to wit:	\$ 1.10

SECTION 3. REPEALS. Ordinance No. 1290-C. S., adopted by the Council of the City of Modesto on the 27th day of August, 1973, is hereby repealed.

SECTION 4. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect and be in full force and operation upon adoption.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of August, 1974, by Councilman Elliott, who moved its introduction and adoption, which motion being

duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap

APPROVED: *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST:
By *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:
By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

AN ORDINANCE AMENDING SECTION MAP 33-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (PLANNING COMMISSION INITIATED - SOUTHEAST MORTON AND 9TH STREET)

WHEREAS, an amendment to Sections 32-2-9 and 33-3-9 of the Zoning Map was initiated by the Planning Commission on June 4, 1974, by Resolution No. 74-85, to rezone from Light Industrial Zone, M-1, to Low Density Residential Zone, R-1, property located on the south side of South Morton Boulevard east of South 7th Street and on both sides of South 9th Street, as shown on the map titled "Southeast Morton and 9th Street Zoning Study Map, June 4, 1974", which map is on file in the office of the Planning Director, and

WHEREAS, after a public hearing held on July 16, 1974, it was found and determined by the Planning Commission that the proposed rezoning from Light Industrial Zone, M-1, to Low Density Residential Zone, R-1, of the area south of South Morton Boulevard which lies within the Primary Floodway of the Tuolumne River, as designated by the State Reclamation Board, is required by public necessity, convenience and general welfare, and

WHEREAS, it was further found and determined by the Planning Commission that the proposed rezoning from Low Density Residential Zone, R-1, to Light Industrial Zone, M-1, of the more westerly and northwesterly portion of the subject property which lies outside of the Primary Floodway of the Tuolumne River, as designated by the State Reclamation Board, is not required by public necessity, convenience and general welfare,

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 requested rezoning from Light Industrial Zone M-1, to Low Density Residential Zone, R-1, 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 area lying with the Primary Floodway is not likely to be used for industrial development, and R-1 zoning as proposed would better reflect the low intensity probable future land use.
2. The proposed rezoning to R-1 of the area located in the Primary Floodway would be more consistent with the R-1 zoning already existing on other properties in the Primary Floodway. These properties are designated "open space" on the Modesto Urban Area General Plan.

SECTION 2. ZONING CHANGE. Section 33-3-9 of the Zoning Map is hereby amended to rezone from Light Industrial Zone, M-1, to Low Density Residential Zone R-1, the area along the south side of South Morton Boulevard on both sides of South 9th Street

which lies inside the Primary Floodway of the Tuolumne River, designated by the State Reclamation Board, as shown on the map titled "Southeast Morton and 9th Street Proposed Rezoning, July 16, 1974, a copy of which map is attached hereto.

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 prior to its final passage and adoption.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 1974, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

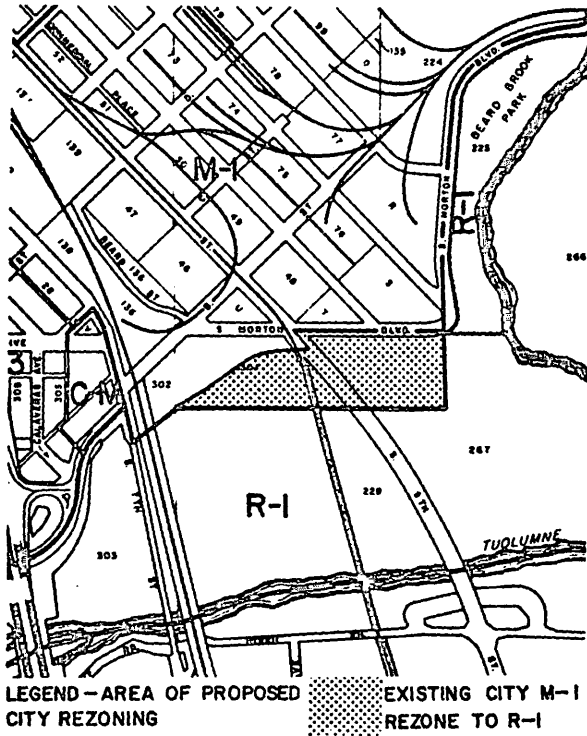
APPROVED AS TO FORM:

By J. David Fitzsimons
J. DAVID FITZSIMONS, Assistant City Attorney

APPROVED AS TO DESCRIPTION:

By William Nichols
Planning Department

**SOUTHEAST MORTON & 9TH ST
PROPOSED REZONING—JULY 16, 1974**



Ordinance 1382 C.S.
Exhibit A – Map

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

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 16th day of September, 1974, Councilman Mensinger moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Simon, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Newton

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: October 16, 1974

ORDINANCE NO. 1383 -C. S.

AN ORDINANCE AMENDING SECTION 10-2.268.1 OF ARTICLE 2 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE AND ADDING SECTION 10-2.1516 TO ARTICLE 15 OF CHAPTER 2 OF TITLE X RELATING TO SWIMMING POOLS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.268.1 of Article 2 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.268.1. SWIMMING POOLS. A structure which contains water in excess of eighteen (18") inches in depth, is located above or below grade or ground surface, is commonly constructed of concrete, metal, wood, fiberglass, and/or plastic, and is designed and used for recreation or therapy.

SECTION 2. AMENDMENT OF CODE. Section 10-2.1516 is hereby added to Article 15 of Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.1516. SWIMMING POOL FENCES. Private swimming pools for all single-family dwellings and for all residential developments not exceeding four (4) dwellings per lot or parcel shall be fenced by a minimum five (5') foot high wall or fence substantially constructed so as to completely isolate the pool from access by the general public. Said fence shall be provided with a self-closing and self-latching gate or gates with latches or opening devices located at least four and one-half (4 1/2') feet above ground level or raised platforms. No pool shall be filled with water until the enclosing fence has been constructed and approved by the Chief Building Official. Surrounding structures or existing gates or yard fences may suffice for this requirement when approved by the Chief Building Official.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 1974, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mensing, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Elliott, Dunlap, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian

APPROVED: *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST:

By *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

AN ORDINANCE AMENDING SECTION MAPS 19-3-9 AND 30-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (PLANNING COMMISSION INITIATED - BLUE GUM, CARPENTER, KANSAS AREA)

WHEREAS, an amendment to Sections 19-3-9 and 30-3-9 of the Zoning Map was initiated by the Planning Commission on June 4, 1974, by Resolution No. 74-80, to rezone and prezone an area as shown on the map titled "Blue Gum, Carpenter, Kansas Area Zoning Study Map - June 4, 1974", which area is located south of Blue Gum Avenue, east of Carpenter Road, and on both sides of Kansas Avenue, and

WHEREAS, after public hearing held on July 16, 1974, it was found and determined by the Planning Commission that rezoning and pre zoning a portion of the property as initiated is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 74-121, adopted on July 16, 1974, the Planning Commission recommended to the Council that a portion of the Planning Commission initiated amendment to Sections 19-3-9 and 30-3-9 of the Zoning Map to rezone and prezone the area located south of Blue Gum Avenue, east of Carpenter Road, and on both sides of Kansas Avenue, be approved,

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 and 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 reasons:

1. The proposed rezoning and pre zoning along Carpenter Road to a less intensive industrial zone would help to provide a greater degree of compatibility with the future residential development in the Woodland Neighborhood immediately to the west.
2. There is little need for an area of County C-1 commercial zoning lying totally within the existing freeway right-of-way.
3. The area of the subject property which is east of the Freeway 99 is wholly committed to existing or future industrial development.

SECTION 2. ZONING CHANGE. Sections 19-3-9 and 30-3-9 of the Zoning Map are hereby amended to rezone and prezone to Light Industrial Zone, M-1, the area along the east side of Carpenter Road between Blue Gum Avenue and Kansas Avenue; prezone to Low Density Residential Zone, R-1, that area zoned County C-1 which is located inside

the Kansas Avenue freeway right-of-way; and prezone to Heavy Industrial Zone, M-2, those areas east of Freeway 99 as shown on the map titled "Blue Gum, Carpenter, Kansas Area Proposed Rezoning and Prezoning - July 16, 1974," a copy of which map is attached hereto,

SECTION 3. ZONING MAP. Sections 19-3-9 and 30-3-9 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 prior to its final passage and adoption.

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

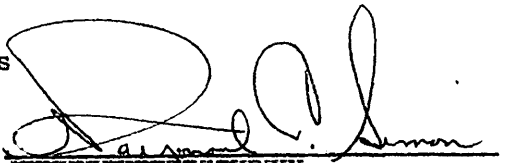
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1974, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Newton,
Vice Mayor Simon


NOES: Councilmen: None

ABSENT: Councilmen: Mensinger, Mayor Davies

APPROVED:



~~ELWYN L. JOHNSON, Mayor~~
RAYMOND C. SIMON
Vice Mayor

ATTEST

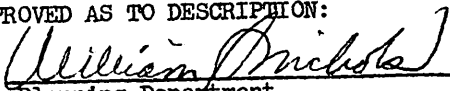

W. T. CHYNOWETH, City Clerk

(SEAL)

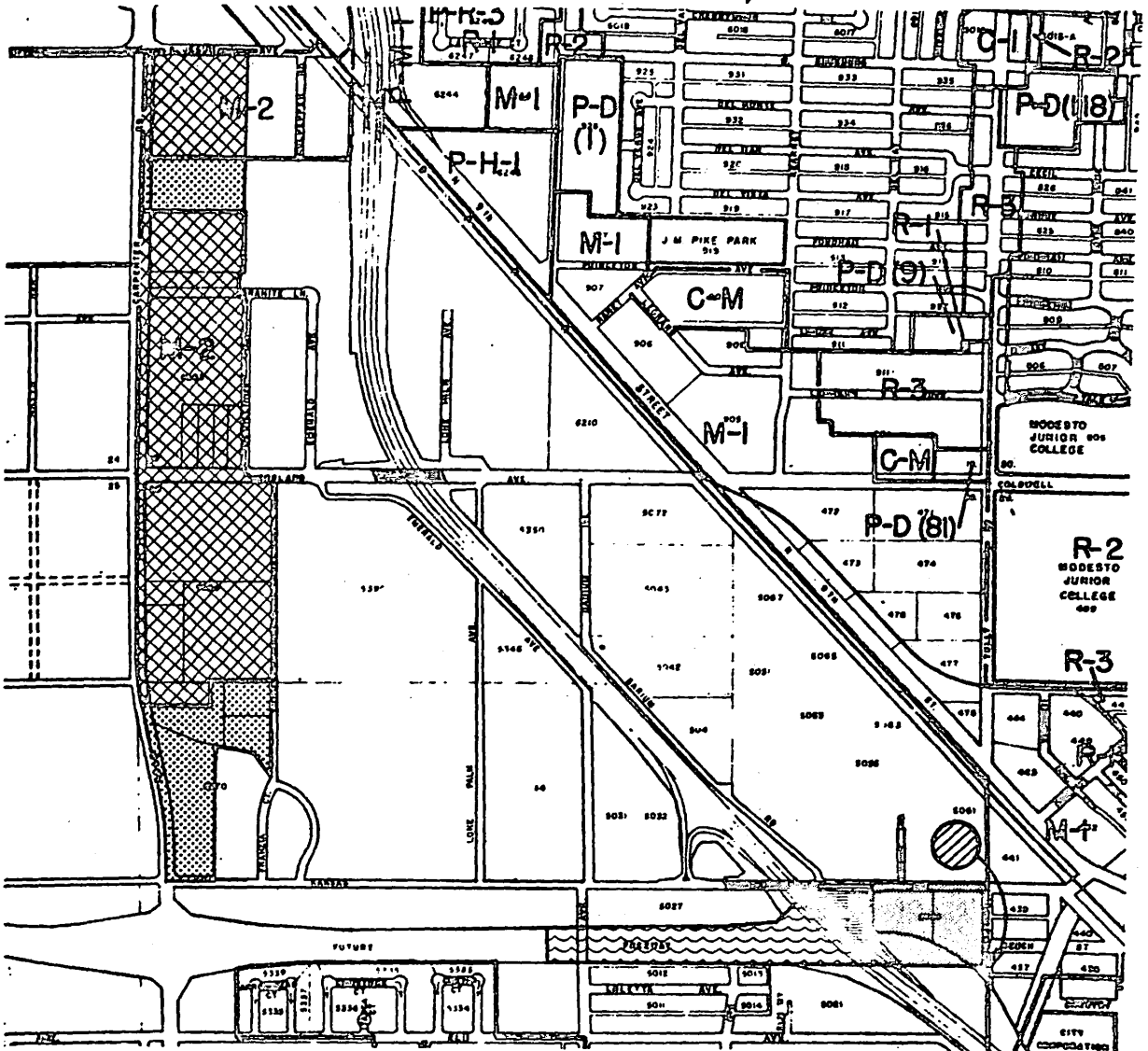
APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Planning Department

BLUE GUM, CARPENTER, KANSAS AREA PROPOSED REZONING AND PREZONING - JULY 16, 1974



LEGEND - AREAS OF PROPOSED CITY REZONING AND PREZONING

EXISTING CITY M-2 REZONE TO M-1	EXISTING COUNTY C-1 PREZONE TO M-2	EXISTING COUNTY R-A PREZONE TO M-2
EXISTING COUNTY M PREZONE TO M-1	EXISTING COUNTY C-2 PREZONE TO M-2	EXISTING COUNTY C-1 PREZONE TO R-1

Ordinance 1384 C.S.
Exhibit A – Map

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

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 September, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Simon

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: October 23, 1974

ORDINANCE NO. 1385 -C. S.

AN ORDINANCE AMENDING SECTION 10-2.301 OF ARTICLE 3 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO THE ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.301 of Article 3 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2, 301. NAMES OF ZONES. In order to classify, regulate, restrict and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings, and to regulate the area of yards and other open spaces about buildings, and to regulate the density of population, fifteen (15) classes of zones are by this chapter established to be known as follows:

Exclusive Agricultural and Recreational Zone	A-R
Residential-Agricultural Zone	R-A
Low Density Residential Zone	R-1
Medium Density Residential Zone	R-2
Medium-High Density Residential Zone	R-3
Professional Office Zone	P-O
Neighborhood Commercial Zone	C-1
General Commercial Zone	C-2
Commercial-Industrial Zone	C-M
Light Industrial Zone	M-1
Heavy Industrial Zone	M-2
Flood Plain Zone	F
Planned Development Zone	P-D
Industrial Park Zone	M-P
Highway Frontage Zone	H-1

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of September, 1974, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Simon, Mayor Davies
 NOES: Councilmen: None
 ABSENT: Councilmen: Newton

ATTEST:

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 23rd day of September, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: Simon

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: October 23, 1974

AN ORDINANCE ADDING SECTIONS 4-4.505 AND 4-4.609 TO CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO SUBDIVISIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 4-4.505 and 4-4.609 are hereby added to Chapter 4 of Title IV of the Modesto Municipal Code to read as follows:

SEC. 4-4.505. DIVISION OF EXISTING BUILDINGS. Prior to the recordation of a final parcel map which will result in the division of any existing building or buildings into separate units or parts, the applicant shall secure certification by the Chief Building Official that any building or buildings to be divided will, after division meet current code standards for new construction. As used in this section, the phrase "current code standards" refers to all standards in the current adopted editions of the Building Code, Electrical Code, Plumbing Code, Mechanical Code and Fire Code of the City of Modesto.

SEC. 4-4.609. DIVISION OF EXISTING BUILDINGS. Prior to the recordation of a final subdivision map which will result in the division of any existing building or buildings into separate units or parts, the subdivider shall secure certification by the Chief Building Official that any building or buildings to be divided will, after division, meet current code standards for new construction. As used in this section, the phrase "current code standards" refers to all standards in the current adopted editions of the Building Code, Electrical Code, Plumbing Code, Mechanical Code and Fire Code of the City of Modesto.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of September, 1974, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk
(SEAL)

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 23rd day of September, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Simon

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: October 23, 1974

AN ORDINANCE AMENDING SECTION MAP 4-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (PLANNING COMMISSION INITIATED - FLORES AVENUE AREA)

WHEREAS, an amendment to Section 4-4-9 of the Zoning Map was initiated by the Planning Commission on July 15, 1974, by Resolution No. 74-115, to prezone to Light Industrial Zone, M-1, an area as shown on the map titled "Flores Avenue Area Zoning Study Map - July 15, 1974", which map is on file in the office of the Planning Director, and

WHEREAS, after a public hearing held on August 20, 1974, it was found and determined by the Planning Commission that rezoning of the property to Light Industrial Zone, M-1, as initiated is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 74-148, adopted on August 20, 1974, the Planning Commission recommended to the Council that the Planning Commission initiated amendment to Section 4-4-9 of the Zoning Map to prezone to Light Industrial Zone, M-1, be approved,

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 initiated 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 General Plan map specifies industrial uses rather than commercial uses for the subject area.
2. The subject area is the only area between Freeway 99 and the Tidewater Southern Railroad tracks not currently zoned by the City or County with an industrial classification.

SECTION 2. ZONING CHANGE. Section 4-4-9 of the Zoning Map is hereby amended to prezone to Light Industrial Zone, M-1, the area as shown on the map titled "Flores Avenue Area Zoning Study Map, July 15, 1974", a copy of which map is attached hereto.

SECTION 3. ZONING MAP. Section 4-4-9 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 prior to its final passage and adoption.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 1974, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Simon

APPROVED:

Lee H. Davies
LEE H. DAVIES, MAYOR

ATTEST

W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

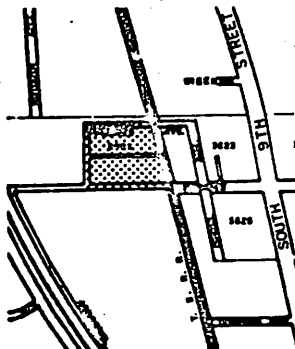
APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Smith
Planning Department

**FLORES AVENUE AREA
ZONING STUDY MAP
JULY 15, 1974**



**LEGEND - AREA OF PROPOSED
CITY REZONING**



**EXISTING COUNTY C-2
PREZONE TO M-1**

Ordinance 1387 C.S.
Exhibit A – Map

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

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 October, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Mensinger, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Simon, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Newton

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: November 6, 1974

AN ORDINANCE AMENDING SECTION MAPS 15-3-9 AND 16-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (PLANNING COMMISSION INITIATED - NORTHEAST AND SOUTHWEST CORNERS FLOYD AND COFFEE)

WHEREAS, an amendment to Sections 15-3-9 and 16-3-9 of the Zoning Map was initiated by the Planning Commission on June 4, 1974, by Resolution No. 74-81, to rezone from Highway Frontage Zone, H-1, to Neighborhood Commercial Zone, C-1, property located on the southwest and northeast corners of Floyd Avenue and Coffee Road, as shown on the map titled "Floyd and Coffee Zoning Study Map, June 4, 1974", which map is on file in the office of the Planning Director, and

WHEREAS, after a public hearing held on July 16, 1974, and continued to August 20, 1974, it was found and determined by the Planning Commission as follows:

1. That rezoning of the following properties is required by public necessity, convenience, and general welfare:

- (a) All of that portion of the proposed rezoning located at the southwest corner of the Coffee Road - Floyd Avenue intersection;
- (b) The parcel of land occupied by a Standard Oil Service Station located at the immediate northeast corner of the Coffee Road - Floyd Avenue intersection.

2. That said properties as described above should be rezoned for the following reasons:

- (a) H-1 zoning, whenever possible, should be limited to properties located on major entrances to the City. Since Coffee Road is not a State Highway, it is not deemed to be a major entrance to the City.
- (b) The C-1 Zone permits uses more compatible with the surrounding area than does the H-1 Zone.

3. That rezoning of the remaining portion of the proposed rezoning at the northeast corner which is not described in paragraph No. 1 (b) above, is not required by public necessity, convenience, and general welfare for the following reasons:

- (a) Although it is desirable to rezone existing H-1 zoned and commercially developed areas to C-1 which are not on major entrances to the City, there are overriding considerations in this portion of the proposed rezoning due to an existing H-1 use permit, the conditions of which should be maintained, and because of a long-standing property purchase by an owner who desires to construct a use permit in the H-1 Zone but not the C-1 Zone, (veterinary hospital), said use deemed compatible with the surrounding area.

and

WHEREAS, by Resolution No. 74-146, adopted on August 20, 1974, the Planning Commission recommended to the Council that the portion of the area initiated by the Planning Commission for rezoning from Highway Frontage Zone, H-1, to Neighborhood

Commercial Zone, C-1, and described in paragraph "1." above, be rezoned to Neighborhood Commercial Zone, C-1, and

WHEREAS, by Resolution No. 74-146, adopted on August 20, 1974, the Planning Commission recommended that the portion of the area initiated by the Planning Commission for rezoning from Highway Frontage Zone, H-1, to Neighborhood Commercial Zone, C-1, and described in paragraph "3." above, be denied,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on September 23, 1974, this Council finds and determines that the rezoning as recommended by the Planning Commission is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

- (a) H-1 zoning, whenever possible, should be limited to properties located on major entrances to the City. Since Coffee Road is not a State Highway, it is not deemed to be a major entrance to the City.
- (b) The C-1 Zone permits uses more compatible with the surrounding area than does the H-1 Zone.

SECTION 2. ZONING CHANGE. Sections 15-3-9 and 16-3-9 of the Zoning Map are hereby amended to rezone from Highway Frontage Zone, H-1, to Neighborhood Commercial Zone, C-1, the property described as follows:

- (a) All that property zoned Highway Frontage Zone, H-1, and located at the southwest corner of the intersection of Floyd Avenue and Coffee Road in the City of Modesto.
- (b) The parcel of land located at northeast corner of the intersection of Floyd Avenue and Coffee Road in the City of Modesto and described as: Parcel A as shown on Parcel Map, Instrument No. 25511 filed in Book 7 of Parcel Maps at page 33 Stanislaus County Records;

and as shown on the map titled "Floyd and Coffee Proposed Rezoning, August 20, 1974", a copy of which map is attached hereto.

SECTION 3. ZONING MAP. Sections 15-3-9 and 16-3-9 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 prior to its final passage and adoption.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 1974, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Simon

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:
By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:
By Urban Parks
Planning Department

Ordinance 1388 C.S.
Exhibit A – Map

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

Ord. No. 1388-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 October, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Mensinger, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Simon, Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: Newton

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: November 6, 1974

ORDINANCE NO. 1389 -C. S.

AN ORDINANCE AMENDING SECTION 10-2.2504 OF ARTICLE 25 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO THE ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.2504 of Article 25 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.2504. ENFORCEMENT. (a) The Chief Building Official is hereby designated and authorized as the officer charged with the enforcement of this Chapter. He shall not issue any permit unless the plans of and for the proposed erection, construction, reconstruction, alterations and use fully conform to all provisions of this Chapter. He shall enforce all of the provisions of this Chapter and his failure to do so shall not legalize any violation of such provisions.

(b) Whenever any building, structure or land is being used or occupied contrary to the provisions of this Chapter, the Chief Building Official may order such use or occupancy discontinued and the building, structure or land or portion thereof to be vacated by serving notice on any person or persons causing such use or occupancy to be continued. Such person or persons shall discontinue such use or occupancy within ten (10) days after the receipt of such notice or make the use of the building, structure or land or portion thereof comply with the requirements of this Chapter. The Chief Building Official may allow more than ten (10) days for compliance and designate a compliance date he deems reasonable under the circumstances. Such notice and order shall be stayed pending the completion of any appeal therefrom or any request for a variance.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of October, 1974, by Councilman Dunlap, who moved its introduction and passage to print,

which motion, being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: Kullijian

ABSENT: Councilmen: Newton

APPROVED: 
LEE H. DAVIES, Mayor

ATTEST:

By 
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN I. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the ^{adjourned} /regular meeting of the Council of the City of Modesto held on the 15th day of October, 19 74, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: November 14, 1974

AN ORDINANCE AMENDING SECTIONS 5-4.201, 5-4.202, 5-4.203 AND 5-4.206 OF ARTICLE 2 OF CHAPTER 4 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO DOGS.

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

SECTION 1. AMENDMENT OF CODE. Sections 5-4.201, 5-4.202, 5-4.203 and 5-4.206 of Article 2 of Chapter 4 of Title V of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 5-4.201. LICENSING AND FEES. Every person who owns, controls, harbors, possesses or keeps in the City any dog over the age of five (5) months shall, annually between June 1st and August 31st of each year, procure a license from the Director of Finance for said dog, which license shall be valid for the period commencing on July 1st of said year and ending on June 30th of the succeeding year. The annual fee for said licenses shall be Four and no/100ths (\$4.00) Dollars for each such dog; provided, however, that if a certificate is presented from a licensed veterinarian that the dog has been spayed or neutered, the license fee shall be Two and no/100ths (\$2.00) Dollars; provided further, that no license fee shall be required to be paid for guide dogs for the blind. Thereafter, during the period from September 1st of each year to May 31st of the succeeding year, within fifteen (15) days after a dog reaches the age of five (5) months, or within fifteen (15) days after any dog over the age of five (5) months is acquired or brought into the City, its owner shall procure a license for said dog and shall be required to pay the fee herein required, provided, however, that said fee shall be prorated quarterly unless the owner fails to procure said license and pay the required fee within the time allowed in which case the full fee plus applicable penalties shall be required. Any owner who fails to procure a dog license and pay the required fee within the time allowed, shall, in addition to any other penalty provided by this Code, be subject to a penalty of one hundred (100%) percent of the amount due, and said penalty shall be added to the license fee hereinabove provided for and shall be collected therewith.

SEC. 5-4.202. LICENSE TAG REQUIRED. It is hereby made the duty of the Director of Finance to annually procure and issue upon proper application and payment therefor, by any person owning, controlling, harboring, or keeping any dog, a serially numbered license tag, stamped with the name of the City and the period for which said license is valid. The applicant for said license shall state the age, sex, color and breed of the dog for which the license is desired, and the address of the owner of said dog. The Director of Finance, upon the issuance of said license, shall endorse upon the application the number of the license tag issued, and all applications so endorsed shall be kept on file in the office of the Director of Finance and shall be open to public inspection.

The person to whom said license is issued shall affix or cause to be affixed the license tag hereinabove mentioned to said dog for whom said license is issued, and said dog shall thereafter, at any and all times, have attached to it said license tag aforesaid.

The license issued by the Director of Finance may be transferred upon the payment of the sum of One and no/100ths (\$1.00) Dollar.

SEC. 5-4. 203. FEE FOR DUPLICATE TAG. Whenever a license tag, as provided for in Section 5-4. 202 of this Code, issued for the current period, has been lost or taken or stolen by parties unknown to the owner, or person having control of the dog for which the same was issued, such owner or person having control of such dog, may upon the payment of the sum of One and no/100ths (\$1.00) Dollar and upon the making and subscribing to an affidavit of such loss of said tag, receive from the Director of Finance a duplicate license tag for the remaining portion of the period for which the original license was issued.

SEC. 5-4. 206. LICENSING: VACCINATION TAGS. No dog license shall be issued pursuant to Section 5-4. 202 of this Code for any dog unless and until the owner of said dog shall present to the Director of Finance a certificate of a duly licensed doctor of veterinary medicine, certifying that such dog has been vaccinated with an approved chicken-embryo anti-rabies vaccine within a period of not more than one year and ninety (90) days prior to July 1st of the licensing period, or has been vaccinated with an approved nervous-tissue anti-rabies vaccine within a period of not more than ninety (90) days prior to July 1st of the licensing period.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of October, 1974, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Simon,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the ^{adjourned} regular meeting of the Council of the City of Modesto held on the 15th day of October, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Simon, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Newton

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: November 14, 1974

AN ORDINANCE ADOPTING A DRAINAGE PLAN FOR THE OAKDALE ROAD DRAINAGE AREA.

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

SECTION 1. That certain drainage plan entitled "Oakdale Road Drainage Area Plan"

consisting of one (1) page of text material and one (1) drawing, copies of which are on file in the offices of the City Clerk and the Director of Public Works of the City of Modesto, is hereby adopted as the drainage plan for the removal of surface and storm waters from the following described area:

OAKDALE ROAD DRAINAGE AREA BOUNDARY DESCRIPTION

All that real property in the State of California, County of Stanislaus, in the East half of Section 22 and the West half of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the point of intersection of the center lines of Scenic Drive and Oakdale Road, said point being on the section line common to Sections 22 and 23, said point also being 152.34 feet North of the Section Corner common to Sections 22, 23, 26 and 27;

- (1.) thence North $80^{\circ}17'00''$ East, 188.60 feet;
- (2.) thence along a tangent curve concave to the Southeast, having a Radius of 954.93 feet, a Central Angle of $8^{\circ}46'24''$ and an Arc Length of 146.22 feet;
- (3.) thence North $00^{\circ}38'00''$ West, 682.12 feet;
- (4.) thence North $89^{\circ}17'00''$ East, 145.21 feet;
- (5.) thence North $89^{\circ}23'45''$ East, 163.61 feet;
- (6.) thence North $00^{\circ}46'30''$ West, 4.73 feet;
- (7.) thence South $74^{\circ}50'00''$ East, 604.25 feet;
- (8.) thence North $83^{\circ}15'00''$ East, 220.49 feet;
- (9.) thence North $00^{\circ}45'00''$ West, 790.33 feet;
- (10.) thence North $90^{\circ}00'00''$ West, 3.11 feet;
- (11.) thence North $00^{\circ}45'00''$ West, 1102.52 feet;
- (12.) thence South $89^{\circ}59'00''$ West, 1394.46 feet;
- (13.) thence North $00^{\circ}45'00''$ West, 646.00 feet;
- (14.) thence North $89^{\circ}36'20''$ East, 1268.98 feet;
- (15.) thence North $00^{\circ}45'45''$ West, 668.95 feet;
- (16.) thence North $00^{\circ}46'20''$ West, 1418.41 feet;
- (17.) thence Northwesterly along a non-tangent curve concave to the Northwest, having a Radial line bearing of South $2^{\circ}33'40''$ West, a Radius of 1140.00 feet, a Central Angle of $17^{\circ}35'43''$, and an Arc Length of 350.09 feet;
- (18.) thence South $74^{\circ}59'54''$ West, 403.44 feet;
- (19.) thence along a tangent curve concave to the Southwest, having a Radius of 1260.00 feet, a Central Angle of $15^{\circ}00'00''$, and an Arc Length of 329.87 feet;
- (20.) thence South $89^{\circ}59'54''$ West, 249.12 feet;
- (21.) thence South $89^{\circ}50'27''$ West, 568.58 feet;
- (22.) thence Southwesterly along a non-tangent curve concave to the Southwest, having a Radial line bearing of South $6^{\circ}05'19''$ East, a Radius of 1170.00 feet, a Central Angle of $4^{\circ}28'05''$, and an Arc Length of 91.24 feet;
- (23.) thence Northerly on a Reverse Curve concave to the Northwest, having a Radius of 1230.00 feet, a Central Angle of $10^{\circ}48'25''$, and an Arc Length of 232.00 feet;

- (24.) thence South 89°54'44" West, 420.88 feet;
- (25.) thence South 00°42'30" East, 3183.08 feet;
- (26.) thence South 00°40'30" East, 963.80 feet;
- (27.) thence South 89°59'50" East, 607.77 feet;
- (28.) thence South 00°38'50" East, 991.22 feet;
- (29.) thence North 80°15'10" East, 717.86 feet, to the point of beginning.

CONTAINING: 266.675 Acres, more or less.

Said drainage plan contains a map of such area showing its boundaries and the location of existing local drainage facilities and an estimate of the total costs of constructing the additional local drainage facilities required by the plan.

SECTION 2. This Council does hereby find and determine that subdivision or division of land not defined as a subdivision, and development of property within said Oakdale Road Drainage Area will require construction of the facilities described in said drainage plan, and that the fees are fairly apportioned within said area on the basis of benefits conferred on property proposed for subdivision or other division and on the need for such facilities created by the proposed subdivision or other division and development of other property within said drainage area and that the estimated costs contained in said drainage plan are based upon these findings.

SECTION 3. Each subdivider of a subdivision, any part of which is located within the boundaries of said Oakdale Road Drainage Area, and each subdivider filing a parcel map for the division of land, any part of which is located within the boundaries of said Oakdale Road Drainage Area shall pay to the City of Modesto, as a condition of approval of the final subdivision map or the filing of the final parcel map, a fee in the amount of Four Hundred Eighty-Two and no/100ths (\$482.00) Dollars per acre, payable on a pro rata basis, or in lieu of the payment of all or part of said fees, a subdivider may install drainage facilities in accordance with an agreement entered into with the City of Modesto, which agreement may provide for the reimbursement to the subdivider from the "Oakdale Road Drainage Area Fund" of expenditures for such drainage facilities made in excess of the fees required herein.

SECTION 4. This Council does hereby find and determine that, as to any property proposed for subdivision within the Oakdale Road Drainage Area, the fee established by Section 3 hereof does not exceed the pro rata share of the amount of the total estimated costs of all facilities within the Oakdale Road Drainage Area which would be assessable on such property if such costs were apportioned uniformly on a per acre basis.

SECTION 5. This Council does hereby find and determine that all of the properties within the Oakdale Road Drainage Area will be benefited by the drainage plan for said area adopted by this ordinance.

SECTION 6. This Council does hereby find and determine that the drainage facilities planned and described in said drainage plan are in addition to existing facilities serving the area at this time.

SECTION 7. This Council does hereby find and determine that Stanislaus County does not have a countywide general drainage plan nor is there a district covering the area of the Oakdale Road Drainage Area having a district general plan.

SECTION 8. The fees required by Section 3 hereof shall be paid into a planned local drainage facilities fund designated as the "Oakdale Road Drainage Area Fund", to be expended in accordance with the provisions of Sections 11543, 11543.5 and 11543.6 of the Business and Professions Code of the State of California.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of October, 1974, by Councilman Newton, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Public Works Department

AN ORDINANCE AMENDING SECTION MAP 11-3-8
OF THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(NORMAN J. WINDSOR - DALE ROAD)

WHEREAS, a verified application for an amendment to Section 11-3-8 of the Zoning Map was filed by Norman J. Windsor on July 31, 19 74, to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on September 17, 19 74, 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. 74-164, adopted on September 17, 19 74, the Planning Commission recommended to the Council that the application of Norman J. Windsor

to amend Section 11-3-8 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, 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, 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.

SECTION 2. ZONING CHANGE. Section 11-3-8 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone,

R-1, to Medium Density Residential Zone,

R-2:

All that certain real property situate in a portion of the North half of the Northeast quarter of Section 11, 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:

BEGINNING at the Northeast corner of the South half of said North half of the Northeast quarter of Section 11, said point being on the center line of Dale Road; thence South along said center line of Dale Road a distance of 656.14 feet to the Northeast corner of land of George Gagos, Jr., as shown in Volume 19 of Parcel Maps, Page 56, Stanislaus County Records; thence South $89^{\circ} 37' 30''$ West along the north line of said Gagos land a distance of 325.01 feet; thence North 656.14 feet to the North line of said South Half of the North half of the Northeast quarter of Section 11; thence North $89^{\circ} 37' 30''$ East along said North line 325.01 feet to the point of beginning.

Containing 4.90 acres

SECTION 3. ZONING MAP. Section 11-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at ^{adjourned} ~~a~~/regular meeting of the Council of the City of Modesto held on the 15th day of October, 19 74, by Councilman Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:
BY Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:
BY William Nichols
Planning Department

Ordinance 1392 C.S.
Exhibit A – Map

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

AN ORDINANCE AMENDING SECTION MAP 8-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(DAN MELLIS LIQUORS)

WHEREAS, a verified application for an amendment to Section 8-3-9 of the Zoning Map was filed by Spiro D. and Tom Mellis (dba Dan Mellis Liquors) on July 17, 19 74, to reclassify from Exclusive Agricultural and Recreational Zone, A-R, to Highway Frontage Zone, H-1, the hereinafter described property, and

WHEREAS, after public hearing held on September 17, 19 74, 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. 74-165, adopted on September 17, 19 74, the Planning Commission recommended to the Council that the application of Spiro D. and Tom Mellis (dba Dan Mellis Liquors)

to amend Section 8-3-9 of the Zoning Map to reclassify the hereinafter described property from Exclusive Agricultural and Recreational Zone, A-R, to Highway Frontage Zone, H-1, be approved,

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 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.

SECTION 2. ZONING CHANGE. Section 8-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Exclusive Agricultural and Recreational Zone,

All that portion of the Southeast quarter of the Northeast quarter of Section 8, Township 3 South Range 9 East, Mount Diablo Base and Meridian, described as follows:

BEGINNING at the southeast corner of the southeast quarter of the Northeast quarter of said Section 8, said point being on the intersection of the centerlines of a 50-foot road known as McHenry Avenue and a 40-foot road known as Standiford Road and being the true point of beginning of this description; thence along the East line of said Section 8 and the centerline of said McHenry Avenue North $1^{\circ} 20'$ West 1110.99 feet to the centerline of an earth ditch extended; thence along said centerline North $89^{\circ} 39' 30''$ West 425.01 feet; thence parallel to the centerline of said McHenry Avenue South $1^{\circ} 20'$ East 1110.44 feet to the South line of the Northeast quarter of said Section 8 being the centerline of Standiford Road; thence along said centerline of Standiford Road south $89^{\circ} 35'$ East 425.01 feet to the point of beginning of this description.

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

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

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

adjourned

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of October, 1974, by Councilman Newton, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES:	Councilmen:	Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies
NOES:	Councilmen:	None
ABSENT:	Councilmen:	None

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Smith
Planning Department

Ordinance 1393 C.S.
Exhibit A – Map

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

AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (PLANNING COMMISSION INITIATED - SOUTHWEST CORNER OF OAKDALE AND FLOYD)

WHEREAS, an amendment to Section 15-3-9 of the Zoning Map was initiated by the Planning Commission on August 6, 1974, by Resolution No. 74-130, to prezone to Medium-High Density Residential Zone, R-3, property located at the southwest corner of Oakdale Road and Floyd Avenue as shown on the map titled "Southwest Corner Oakdale and Floyd Zoning Study Map, August 6, 1974", which map is on file in the office of the Planning Director, and

WHEREAS, a public hearing was held by the Planning Commission on September 17, 1974, at which time it was found and determined by the Planning Commission that the proposed pre zoning of the property to Medium-High Density Residential Zone, R-3, as initiated, is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 74-162, adopted on September 17, 1974, the Planning Commission recommended to the Council that the Planning Commission initiated amendment to Section 15-3-9 of the Zoning Map to prezone the property to Medium-High Density Residential Zone, R-3, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended pre zoning to Medium-High Density Residential Zone, R-3, of the property located at the southwest corner of Oakdale Road and Floyd Avenue 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 R-3 conforms to the Floyd Neighborhood Zoning and Development Policy previously approved by the Planning Commission.
2. The Modesto Urban Area General Plan designates one corner of the Oakdale-Floyd intersection as a site for an 8-10 acre neighborhood shopping center, and the City has previously designated P-D(79) immediately north of the subject property as the site for the neighborhood shopping center at this intersection.

SECTION 2. ZONING CHANGE. Section 15-3-9 of the Zoning Map is hereby amended to prezone to Medium-High Density Residential Zone, R-3, an area as shown on the map titled "Southwest Corner Oakdale and Floyd Proposed Rezoning, September 17, 1974", a copy of which map is attached hereto.

SECTION 3. ZONING MAP. Section 15-3-9 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 prior to its final passage and adoption.

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

The foregoing ordinance was introduced at ^{adjourned} a regular meeting of the Council of the City of Modesto held on the 15th day of October, 1974, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mensinger, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger
Mayor Davies

NOES: Councilmen: Kullijian, Newton, Simon

ABSENT: Councilmen: None

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

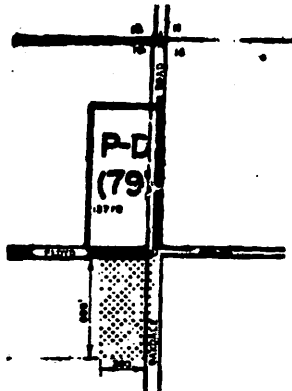
(SEAL)

APPROVED AS TO FORM:

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

DESCRIPTION APPROVED BY _____
Planning Department

**SOUTHWEST CORNER OF
OAKDALE AND FLOYD
PROPOSED PREZONING
SEPT. 17, 1974**



**LEGEND—AREA OF PROPOSED
CITY PREZONING**

**EXISTING COUNTY C-1
PREZONE TO R-3**

Ordinance 1394 C.S.
Exhibit A – Map

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

AN ORDINANCE ADDING SECTION 3-2.1607 TO ARTICLE 16 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO PARKING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.1607 is hereby added to Article 16 of Chapter 2 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-2.1607. RESERVED PARKING ON OFF-STREET PARKING LOTS. The Director is hereby authorized to reserve and identify, by appropriate markings or signs which indicate types of vehicles, location and time limits, such parking spaces as are necessary for any use approved by the City Manager on any off-street parking facility owned by the City of Modesto. Only vehicles authorized by the Director shall use such parking spaces during the time limits indicated, and use by any unauthorized vehicle shall be unlawful.

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

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

adjourned

The foregoing ordinance was introduced at a/regular meeting of the Council of the City of Modesto held on the 15th day of October, 1974, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Kulligian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kulligian, Mensinger, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:
By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:
By Elwin L. Johnson
ELWIN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the/^{adjourned}regular meeting of the Council of the City of Modesto held on the 24th day of October, 1974, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Mensinger, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Elliott, Kullijian, Mensinger, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap, Newton, Simon

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *Pauline P Stanley*
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
PAULINE P. STANLEY, Acting City Clerk

EFFECTIVE DATE: November 23, 1974

AN ORDINANCE REPEALING SECTION 3-2.809 OF ARTICLE 8 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO TRAINS.

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

SECTION 1. REPEALS. Section 3-2.809 of Article 8 of Chapter 2 of Title III 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 from and after thirty (30) days after its final passage and adoption.

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

adjourned
The foregoing ordinance was introduced at a/regular meeting of the Council of the City of Modesto held on the 15th day of October, 1974, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Simon,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

AN ORDINANCE AMENDING SECTIONS 4-1.103 AND 4-1.104 OF ARTICLE 1 OF CHAPTER 1 OF TITLE IV OF THE MODESTO MUNICIPAL CODE AND REPEALING SECTION 4-1.104.1 RELATING TO AMUSEMENT DEVICES.

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

SECTION 1. AMENDMENT OF CODE. Sections 4-1.103 and 4-1.104 of Article 1 of Chapter 1 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-1.103. DEFINITION. An amusement machine within the meaning of Section 4-1.102 of this article shall constitute only a machine or mechanical apparatus designed and/or intended to be operated or used for amusement purposes only and/or playing a game (such as but not limited to the machines or devices commonly known as "pinball machines", "light-ray machines" and similar machines) and operated or designed to be operated by coins. Nothing herein contained is intended nor is to be construed as permitting the licensing or keeping of any mechanical games within the City, the possession of which is illegal as a gambling device under and by virtue of the laws of the State.

SEC. 4-1.104. CERTAIN MACHINES EXCEPTED. This article shall not apply to the following:

(a) Vending Machines. Any vending machine so designed and so operated as to sell and deliver merchandise only, equivalent in market value to the value of the coin or coins deposited, without the payment or delivery or the promise of payment or delivery of anything except the merchandise therein kept for sale.

(b) Children's Amusement Machines. Any coin operated amusement machine or device especially designed and operated solely for the amusement of children (such as but not limited to mechanical animal and vehicle rides).

(c) Pool and Billiard Tables. Any coin-operated pool or billiard table which requires a coin to release the balls but on which table the game of pool or billiards is played in the traditional manner by use of cues and balls.

(d) Shuffleboards. Any coin-operated shuffleboard table which requires a coin to operate the scoreboard but on which table the game of shuffleboard is played in the traditional manner without the use of any mechanical or electronic devices.

(e) Juke Boxes. Any machine commonly referred to as a juke box and so designed and so operated as to play music only when a coin or coins are deposited therein.

SECTION 2. REPEALS. Section 4-1.104.1 of Article 1 Chapter 1 Title IV of the Modesto Municipal Code is hereby repealed.

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

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

adjourned

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 1974, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mensing, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Elliott, Kullijian, Mensinger, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap, Newton, Simon

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By Pauline P. Stanley
~~XX~~
PAULINE P. STANLEY, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1397-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 November, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Mensinger, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Simon,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian, Newton

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: December 4, 1974

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

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

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

SECTION 1. PARKING METER ZONING MAP. The Parking Meter Zoning Map of the City of Modesto is hereby amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 19 74, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn Johnson
ELWYN JOHNSON, City Attorney

Ordinance 1398 C.S.
Exhibit A – Map

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

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 November, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Mensinger, was upon roll call carried and the ordinance adopted by the following vote:


AYES: Councilmen: Dunlap, Elliott, Mensinger, Simon,
Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Kullijian, Newton

APPROVED



LEE H. DAVIES, Mayor

ATTEST:



W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: December 4, 1974

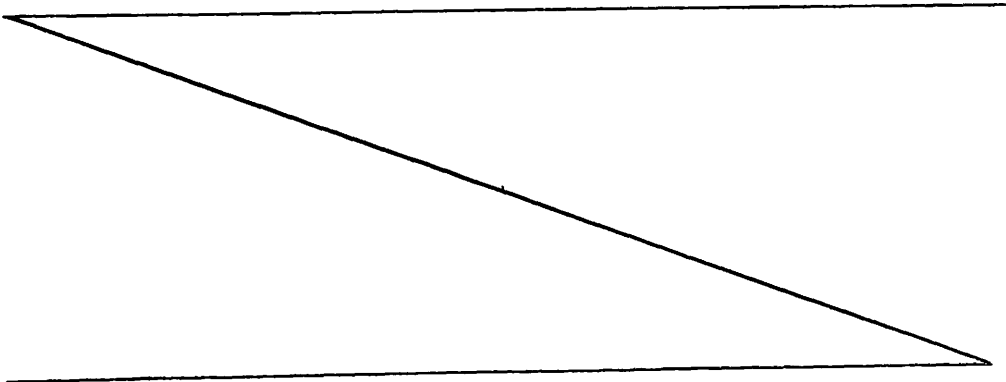
AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN
TERRITORY KNOWN AS THE NORTH TULLY NO. 1 ADDITION
TO THE CITY OF MODESTO.

WHEREAS, certain proceedings have been instituted under the Annexation Act of 1913, as amended, and other laws pertaining to annexation for the purpose of submitting to the qualified electors residing in certain territory hereinafter described, and generally designated as North Tully No. 1 Addition, the question whether or not said territory shall be annexed to, incorporated in, and made a part of said City of Modesto, and whether or not the property in said territory shall, after such annexation, be subjected to taxation equally with the property within the City of Modesto to pay the bonded indebtedness of the City of Modesto for acquisition, construction or completion of municipal improvements outstanding or authorized at the date of the first publication of the notice of the election, and

WHEREAS, the City Council finds that each and every and all of the requirements of law pertaining to said annexation proceedings and the election in said territory have been fully complied with,

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

SECTION 1. That annexation of the following described territory lying and being in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and particularly described as follows, to wit,



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

Beginning at a point on the existing City Limits as established by the Northwestern corner of the STANDIFORD-TULLY NO. 1 ADDITION (309), as per description filed August 28, 1973, as Instrument 8127, Stanislaus County Records, said point being on the East line of Section 7, said point also being the center line of a 40 foot public road known as Tully Road; thence along the existing City Limits on a Western line of ADDITION (309), South $01^{\circ}14'15''$ East, 939.78 feet, to a point on the Northern line of Hetch Hetchy Right of Way and said point also being on a Northwestern line of ADDITION (309); thence along the existing City Limits on the Northern line of said ADDITION (309), South $69^{\circ}20'10''$ West, 525.60 feet, to a Northwestern corner of ADDITION (309); thence leaving the existing City Limits and along the Southern line of Palamino Estates, as per map filed February 9, 1972, in Volume 23 of Maps, Page 64, Stanislaus County Records, South $69^{\circ}20'10''$ West, 166.27 feet, to a point on a Southeastern corner of said Palamino Estates; thence along the Southern line of said Palamino Estates, North $89^{\circ}24'23''$ West, 86.46 feet, to the Southwestern corner of said Palamino Estates; thence along the Western line of said Palamino Estates, North $01^{\circ}13'45''$ West, 1191.52 feet, to the Northwestern corner of said Palamino Estates, said point also being on the Southern line of Modesto Irrigation District Lateral No. 6 Right of Way; thence along said Southern line and along the Northern line of Palamino Estates, South $89^{\circ}20'45''$ East, 739.13 feet, to the point of beginning, containing 18.323 Acres, more or less.

be, and the same is hereby approved.

SECTION 2. That the said territory hereinabove described be, and the same is hereby annexed to, incorporated in, and made a part of the said City of Modesto, to be effective on November 16, 19 74.

SECTION 3. The Clerk of the City of Modesto is hereby authorized and directed to make and certify, under the seal of the City of Modesto, and transmit to the Secretary of State of the State of California, a copy of the record of the canvass of the returns of said election in such new territory, and a copy of this ordinance, giving the date of its passage in accordance with the statutes providing therefor.

SECTION 4. That the said territory hereinabove described shall, after such annexation, be subjected to taxation equally with the property within the City of Modesto to pay the bonded indebtedness of the City of Modesto for acquisition, construction or completion of municipal improvements outstanding or authorized at the date of the first publication of the notice of the election to be held to determine whether or not said property shall be annexed to the City.

SECTION 5. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect and be in full force and operation as of the date hereof.

SECTION 6. This ordinance shall be published in full in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1974, by Councilman Dunlap, who moved its introduction and adoption, which motion being duly seconded by Councilman Mensinger, was upon roll call

carried and the ordinance ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth
W. T. CHYNOWETH City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Lois Campbell
Public Works Department

RTM
11-12-74

AN ORDINANCE AMENDING SECTIONS 6-5.01, 6-5.02 AND 6-5.04 OF CHAPTER 5 OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO SECONDHAND DEALERS.

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

SECTION 1. AMENDMENT OF CODE. Sections 6-5.01, 6-5.02 and 6-5.04 of Chapter 5 of Title VI of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 6-5.01. LICENSING AND EXCEPTIONS. It shall be unlawful for any person either as principal, agent, servant, or employee to engage in, carry on, operate, manage or conduct within the corporate limits of the City, the business of pawnbroker, secondhand dealer, junk dealer, coin dealer, or auto wrecker, unless such person or the principal or employee of such agent, servant, or employee shall first have procured a license so to do as herein specified; but the provisions of this chapter shall not apply to the following:

Any person that buys new or secondhand goods, wares or merchandise from any dealer licensed under the Sales Tax law of the State to do business in this State, dealers in secondhand automobiles, nor to any person engaged in the regular course of selling new goods, wares and merchandise to the general public and who receives any secondhand articles, goods, wares or merchandise in part payment of new goods, wares and/or merchandise sold by said person in the regular course of its business.

SEC. 6-5.02. APPLICATION FORM. Any person desiring to engage in, carry on or operate the business within the City, as herein defined, of pawnbroker, secondhand dealer, junk dealer, coin dealer, or auto wrecker, shall first make application to the City Tax and License Collector for a license so to do. Said application shall be in substantially the following form:

Modesto, California, _____, 19____.

Application is hereby made for a license to conduct the business of (pawnbroker), (secondhand dealer), (junk dealer), (coin dealer) or (auto wrecker) within the City of Modesto, and in that behalf, applicant makes the following statements:

(a) Name of applicant is _____

(b) Applicant is _____
Person, Firm or Corporation

(c) If a firm, the following are names of the members thereof _____

If a corporation, the following is the name of the President and the name of the Manager, respectively _____

not adopted

(d) The premises at which it is proposed to conduct said business are numbered or described as follows:

(e) Applicant agrees to pay to the City Tax and License Collector the license fee applicable to the business for which a license is applied for.

(f) The applicant covenants and agrees to comply with all of the laws of the City of Modesto and the rules and orders of the Chief of Police of said City in regard to the requirements of this chapter, or any other law of the City, relating to the business herein licensed and further particularly agrees that any violation by him of any of the terms of this application, or of this chapter, or of any laws of the City relating to the business licensed, shall be sufficient grounds for the revocation by the Council of the license herein provided.

SEC. 6-5.04. ISSUANCE OF LICENSE BY CITY CLERK. Upon the receipt by the City Tax and License Collector from the Chief of Police of a favorable report recommending that a license be issued to the applicant, he shall issue a license to said applicant, giving the date of the issuance thereof, the name, address and place of business of the licensee, the number of the license, and a statement that the same may be revoked by the Council upon two (2) days notice to show cause to the licensee for failure to comply with the terms of this chapter, or any other law of the City, or any law of the State, relating to pawnbrokers, secondhand dealers, junk dealers, coin dealers, or auto wreckers.

The application for licenses herein provided for shall be filed with the City Tax and License Collector at his office and each application numbered consecutively in order of filing.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of November, 1974, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Elliott, Kullijian, Mensinger, Simon,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap, Newton

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

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