

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS
THE CARPENTER-ELM ADDITION TO THE
CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by _____

Rosemarie Johns and William A. Johns

on August 4, 1976, 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 Carpenter-Elm 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 9th day of August, 1976, set said petition for hearing at the hour of 7:30 o'clock P.M. on the 27th day of September, 1976, 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 August 13, 1976, and on August 18, 1976; and in The Ceres Courier, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on August 18, 1976, and on August 25, 1976, 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

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 July 16, 1976, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 27th day of September, 1976, 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,

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 Carpenter-Elm 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 27th day of September, 19 76, by Councilmember Dunlap, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Newton, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmembers: Dunlap, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Elliott

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

ATTEST:

By Norrine Coyne
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By P. A. Hayward
Public Works Department

8-23-76
RJR

CARPENTER-ELM ADDITION

All that real property in the State of California, County of Stanislaus, in Section 30, 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 WESTAIRE ACRES ADDITION (84), as per description filed December 30, 1958, as Instrument 33048, Stanislaus County Records, said point being on the Southern line of a 40 foot public road known as Elm Avenue; thence along the existing City Limits and the Western boundary of said ADDITION (84), the following courses; South $00^{\circ} 31' 30''$ East, 726.05 feet; South $86^{\circ} 55' 30''$ West, 9.12 feet; South $00^{\circ} 09' 10''$ West, 50.08 feet, to a point on the centerline of M.I.D. Lateral No. 4 right-of-way, said point also being the Northeast corner of the HILLVIEW ACRES ADDITION (81), as per description filed June 19, 1958, as Instrument 14792, Stanislaus County Records; thence along the existing City Limits and the Northern boundary of said ADDITION (81), South $86^{\circ} 55' 30''$ West, 1304.22 feet, to the Northwest corner of said ADDITION (81); thence continuing along the existing City Limits and the Western boundary of said ADDITION (81), South $00^{\circ} 14' 30''$ West, 785.04 feet, to a Northeastern corner of the ST. STANISLAUS SCHOOL ADDITION (184), as per description filed February 1, 1966, as Instrument 3777, Stanislaus County Records; thence along the existing City Limits, and a Northern boundary of said ADDITION (184), North $89^{\circ} 45' 35''$ West, 45.06 feet, to the Northwest corner of said ADDITION (184), said point being also the intersection of the centerline of a public road known as Maze Boulevard, and the centerline of a 90 foot public road known as Carpenter Road; thence along the center line of Carpenter Road, North $00^{\circ} 14' 30''$ East, 734.99 feet; thence along a tangent curve concave to the East, having a Radius of 2000.00 feet, a Central Angle of $4^{\circ} 00' 00''$ and Arc Length of 139.63 feet; thence along the center line of Carpenter Road, North $04^{\circ} 14' 30''$ East, 510.85 feet; thence along a tangent curve, concave to the West, having a Radius of 2000.00 feet, a Central angle of $5^{\circ} 03' 05''$, and an Arc Length of 176.33 feet; thence along the centerline of Carpenter Road the following courses; North $00^{\circ} 48' 35''$ West, 99.47 feet; North $00^{\circ} 28' 33''$ West, 247.39 feet to a point on the Southern line of property of the State of California; thence along said Southern line of the following courses; North $89^{\circ} 31' 27''$ E, 45.00 feet; North $30^{\circ} 07' 14''$ E, 165.75 feet; North $79^{\circ} 47' 26''$ East, 290.61 feet, to a point on the ELM ADDITION (177), as per description filed April 27, 1965, as Instrument 16337, Stanislaus County Records; thence along the existing City Limits and the boundary of said ADDITION (177), the following courses; South $00^{\circ} 38' 27''$ E, 447.24 feet; South $89^{\circ} 46' 00''$ East, 885.78 feet; South $00^{\circ} 31' 30''$ East, 20.00 feet, to the point of beginning, containing 29.830 Acres, more or less.

AN ORDINANCE AMENDING SECTION MAP 23-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(HORN CONSTRUCTION)

WHEREAS, a verified application for an amendment to Section 23-3-9 of the Zoning Map was filed by Horn Construction Company on June 28, 1976, to reclassify from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3, the hereinafter described property, and

WHEREAS, after public hearing held on August 17, 1976, 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. 76-144, adopted on August 17, 1976, the Planning Commission recommended to the Council that the application of Horn Construction Company to amend Section 23-3-9 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on October 4, 1976, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The rezoning proposal provides a multiple-family frontage at the intersection of Briggsmore Avenue, a major crosstown expressway, and Lakewood Avenue, a planned major street.
2. The proposed rezoning will provide a multiple-family development across from a neighborhood shopping center and an R-2 zoning development to the east of Lakewood Avenue.
3. It conforms in principle with the Development Plan for the Scenic East Neighborhood and with the General Plan's zoning prototype.

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

All that certain real property situate in Lot 7 of the O. McHenry Ranch recorded in Volume 2 of maps, at Page 7, Stanislaus County Records, in the Northeast quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, located in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the Southeast corner of the Northeast quarter of the Northeast quarter of said Section 23, said point being the intersection of Lakewood Avenue and E. Orangeburg Avenue; thence North $89^{\circ}27'15''$ West along the South line of the Northeast quarter of the Northeast quarter and the centerline of E. Orangeburg Avenue, a distance of 313.42 feet; thence North $0^{\circ}32'45''$ East 30.00 feet to the true point of beginning; thence continuing North $0^{\circ}32'45''$ East 88.11 feet; thence North $17^{\circ}41'06''$ West 86.78 feet; thence North $31^{\circ}55'38''$ West 138.80 feet; thence North $11^{\circ}25'36''$ West 51.20 feet; thence North $0^{\circ}14'35''$ West 774.46 feet to a point on the south right-of-way line of E. Briggsmore Avenue; thence South $89^{\circ}42'00''$ East along the south right-of-way line of E. Briggsmore Avenue, a distance of 356.13 feet to a tangent curve concave to the Southwest; thence Southeasterly 23.42 feet along said tangent curve having a radius of 15.00 feet and a central angle of $89^{\circ}27'15''$; thence South $0^{\circ}14'45''$ East 1083.73 feet to a tangent curve concave to the Northwest; thence Southwesterly 23.77 feet along said tangent curve having a radius of 15.00 feet and a central angle of $90^{\circ}47'30''$; thence North $89^{\circ}27'15''$ West 248.21 feet to the point of beginning.

Including also the Northerly 30.00 feet of Orangeburg Avenue, the Westerly 50 feet of Lakewood Avenue, and the Southerly 60 feet of E. Briggsmore Avenue, all being immediately adjacent to the above described property.

8.946 acres net.

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

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

SECTION 5. PUBLICATION. 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 4th day of October, 1976, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Mensinger, Newton

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *William Smith*
Department of Planning and
Community Development

Ordinance 1552 C.S.
Exhibit A – Map

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

Ord. No. 1552-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 11th day of October, 1976, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Mensinger, Newton

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 10, 1976

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 4th day of October, 1976, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Newton

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

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

Ordinance 1553 C.S.
Exhibit A – Map

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

Ord. No. 1553-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 11th day of October, 1976, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: Elliott, Newton

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

ATTEST: *Norrine Coyne*
NORRINE COYNE, City Clerk

EFFECTIVE DATE: November 10, 1976

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.

(1) PM-12 24-minute time limit, one hour time limit and two (2) hour time limit 8 a.m. to 5 p.m., Sundays excepted.

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.

(l) PM-12 One (1¢) cent per six (6) minutes 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 4th day of October, 1976, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly second by Councilmember Mensinger, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Mensinger, Siefkin,
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Newton

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

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1554-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 11th day of October, 1976, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Mensinger, Siefkin,
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Newton

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 10, 1976

AN ORDINANCE ADDING SECTIONS 9-1.23 AND 9-1.24 TO CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO BUILDING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 9-1.23 and 9-1.24 are hereby added to Chapter 1 of Title IX of the Modesto Municipal Code to read as follows:

SEC. 9-1.23. That Section 414 of said Building Code be amended to read as follows:

SEC. 414. MARQUEE is a permanent roofed structure attached to and supported by the building and projecting over public property. Marquees are regulated in Chapter 45.

MASONRY is that form of construction composed of stone, brick, concrete, gypsum, hollow clay tile, concrete block or tile, or other similar building units or materials or combination of these materials laid up unit by unit and set in mortar.

MASONRY, SOLID, is masonry of solid units built without hollow spaces.

MECHANICAL CODE is the Uniform Mechanical Code, 1973 Edition.

MEZZANINE or MEZZANINE FLOOR is an intermediate floor placed in any story or room. When the total area of any such "Mezzanine Floor" exceeds 33 1/3 percent of the total floor area in that room, it shall be considered as constituting an additional "Story." The clear height above or below a "Mezzanine Floor" construction shall be not less than 7 feet.

MOTEL shall mean hotel as defined in this Code.

MALL is an interior area used as a pedestrian way, connecting two or more buildings housing individual or multiple mercantile tenants. A mall shall be a minimum of 30 feet in width. No portion of a mall shall be used for sales, storage, or display of merchandise or services if it is less than 30 feet from any non-rated wall or non-rated entry to an occupancy.

SEC. 9-1.24. That subsection (f) of Section 3303 of said Building Code be amended to read as follows:

(f) Special Doors. Revolving, sliding and overhead doors shall not be used as required exits. Approved power operated doors may be used for exit purposes.

EXCEPTION: Notwithstanding any other provisions of this Code, roll up and sliding security grills or doors of a type approved by the Building Official and Fire Chief shall be permitted as required exits from an F-2 occupancy into an enclosed, covered mall, provided:

1. That all F-2 occupancies shall have another conforming means of egress. This conforming means of egress shall have panic hardware or shall have no latch or lock and shall have lighted exit signs in locations as required by the Building Official.

2. That all other exits from the mall shall be provided with panic hardware or shall have no latch or lock.

3. That all roll up or sliding security grills or doors shall be provided with a key locking device so as to enable the grill to be locked in the full open position, and shall be so locked during any time that the public is in the F-2 occupancy. A readily visible permanent sign shall be placed adjacent to such locking device stating, "THIS DOOR TO REMAIN LOCKED IN THE FULL OPEN POSITION WHENEVER THE PUBLIC IS IN THIS STORE." The sign shall be in letters not less than one inch high on a contrasting background.

4. That all electrically operated roll up or sliding security grills or doors shall have a manual override within the F-2 occupancy which shall allow easy manual opening of the grill or door. This manual override shall not be locked whenever the public is in the F-2 occupancy. That a readily visible permanent sign shall be placed adjacent to such manual override giving instructions for its use in letters not less than one inch high on a contrasting background.

5. That the roll up or sliding security grill or door shall be installed for the full opening between the F-2 occupancy and the mall except for required structural supports and minor architectural appendages.

The use of this exception may be revoked by the Building Official or the Fire Chief for due cause.

SECTION 2. FINDINGS AND DECLARATION. The Council of the City of Modesto finds and declares that the foregoing additions, modifications and changes to the standards for non-residential occupancies in the Uniform Building Code are reasonably necessary for the public health, safety, and welfare, in order to allow methods and materials of construction which conform to standard building industry practice in the State of California for large, enclosed, commercial shopping centers.

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

SECTION 4. SAVINGS. The provisions of this ordinance shall not affect any proceedings, suit or prosecution heretofore or hereafter commenced under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance, shall be discharged or affected by the adoption of this ordinance; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures shall be instituted or proceeded with in all respects as if

this ordinance had not been adopted.

SECTION 5. PUBLICATION DATE. 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 11th day of October, 1976, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Newton

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

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1555-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 ^{adjourned} regular meeting of the Council of the City of Modesto held on the 21st day of October, 19 76, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: Newton

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 20, 1976

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

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

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

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

(a) Mileage rates: 90¢ for the first one-ninth mile or fraction thereof. 10¢ for each additional one-ninth mile or fraction thereof;

(b) Waiting time: 12¢ for each minute of waiting time or fraction thereof;

(c) Trunks: \$1.00 for each trunk;

(d) Hand baggage: 10¢ for each piece of hand baggage in excess of fifty (50 lbs) pounds; and

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 1976, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Mensinger, Siefkin, Mayor DAVIES

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Kullijian, Newton

ATTEST:

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

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwin L. Johnson
ELWIN L. JOHNSON, City Attorney

Ord. No. 1556-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the/regular meeting of the Council of the City of Modesto held on the 21st day of October, 1976, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Newton

APPROVED 
LEE H. DAVIES, Mayor

ATTEST: 
NORRINE COLLE, City Clerk

EFFECTIVE DATE: November 20, 1976

AN ORDINANCE AMENDING SECTION 3-2.1607 OF ARTICLE 16 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO OFF-STREET PARKING.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.1607 of Article 16 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended 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 or operated 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.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 1976, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Newton

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

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1557-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 ^{adjourned} regular meeting of the Council of the City of Modesto held on the 21st day of October, 19 76, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: Newton

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 20, 1976

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

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 Low Density Residential Zone, R-1,
to Planned-Development Zone, P-D 145:

All that certain real property situate in a portion of the Standiford
Colony, in the Southwest Quarter of Section 8, Township 3 South, Range 9
East, Mount Diablo Base and Meridian, in the City of Modesto, County of
Stanislaus, State of California, described as follows:

Beginning at the Northeast corner of Parcel A, as shown on Parcel Map
filed in Book 5 of Parcel Maps at Page 9, Stanislaus County Records;
thence South 0° 54' 30" East along the East line of said Parcel A, a distance
of 605.63 feet to the North line of Rumble Road; thence North 88° 59' 00"
West along said North line of Rumble Road 56.40 feet; thence North 1° 01' 00"
East 339.24 feet; thence North 88° 59' 00" West 619.73 feet to the East line
of Napier Drive; thence North 0° 54' 00" West along said East line of Napier
Drive 264.17 feet to the North line of said Parcel A; thence South 89° 09' 30"
East along said North line of Parcel A 664.63 feet to the point of beginning.

Including also the easterly 30.00 feet of Napier Drive and the Northerly 30
feet of Rumble Road all being immediately adjacent to the above described
property.

SECTION 2. USES. The following uses shall be permitted in said P-D 145 Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. A 99-dwelling unit senior citizens project.
2. An off-street parking area.

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 ^{adjourned} a/regular meeting of the Council of the City of Modesto held on the 21st day of October, 1976, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Siefkin, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmen: None

ABSENT: Councilmen: Newton

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

BY William Childs
Planning Department

**Ordinance 1558 C.S.
Exhibit A – Map**

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

Ord. No. 1558-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 1st day of November, 1976, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Newton, Siefkin

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 1, 1976

AN ORDINANCE AMENDING SECTION MAP 8-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (RULE-DALE ENTERPRISES, INC.)

WHEREAS, a verified application for an amendment to Section 8-3-9 of the Zoning Map was filed by Rule-Dale Enterprises, Inc. on August 16, 1976, 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 21, 1976, 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. 76-156, adopted on September 21, 1976, the Planning Commission recommended to the Council that the application of Rule-Dale Enterprises, Inc. to amend Section 8-3-9 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 held on November 1, 1976, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The proposed R-2 zoning provides a residential density transition between the heavier existing and potential uses oriented to McHenry on the East and Standiford Avenue to the South, and the existing and potential low density residential development to the west and northwest.
2. The proposed R-2 zoning conforms to the revised zoning and development plan for the Northwest McHenry Neighborhood.
3. The proposed R-2 zoning will provide an alternate housing type in a proper location in the Northwest McHenry Neighborhood as called for in the Modesto Urban Area General Plan.

SECTION 2. ZONING CHANGE. Section 8-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2:

All that certain real property situate in a portion of Section 8 Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

All of Parcel 2 as shown in Parcel Map Volume 20 of Parcel Maps, Page 9, Stanislaus County Records; including also the southerly 30 feet of Union Avenue, immediately adjacent to the above described property.

Containing 2.20 acres gross.

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 1st day of November, 1976, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensing, _____, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

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

ATTEST: Norrine Coyne
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By _____
Department of Planning and Community Development

**Ordinance 1561 C.S.
Exhibit A – Map**

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

Ord. No. 1561-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 November, 1976, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

ATTEST: *Norrine Coyne*
NORRINE COYNE, City Clerk

EFFECTIVE DATE: December 8, 1976

AN ORDINANCE AMENDING SECTION MAPS 11-3-8 AND 14-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (SANDERS CONSTRUCTION COMPANY)

WHEREAS, a verified application for an amendment to Sections 11-3-8 and 14-3-8 of the Zoning Map was filed by Sanders Construction Company on August 12, 1976, to reclassify from Low Density Residential Zone, R-1, to Highway Frontage Zone, H-1, the hereinafter described property, and

WHEREAS, after public hearing held on September 21, 1976, 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. 76-158, adopted on September 21, 1976, the Planning Commission recommended to the Council that the application of Sanders Construction Company to amend Sections 11-3-8 and 14-3-8 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, 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 held on November 1, 1976, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The proposed H-1 zoning conforms to the Modesto Urban Area General Plan and the Pelandale Neighborhood Zoning and Development Policy.
2. The proposed H-1 zoning would fulfill the locational and development criteria for "highway frontage" commercial properties, which criteria is outlined in Article 29 of Chapter 2 of Title X of the Modesto Municipal Code.

SECTION 2. ZONING CHANGE. Sections 11-3-8 and 14-3-8 of the Zoning Map are hereby amended to reclassify the following described

property from Low Density Residential Zone, R-1, to Highway Frontage Zone, H-1:

All that certain real property situate in Sections 11 and 14, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Parcel 1

Commencing at the Southeast corner of said Section 11; thence North $0^{\circ} 19' 18''$ West along the East line of said Section 11 a distance of 299.81 feet; thence South $89^{\circ} 28' 00''$ West 30.17 feet to the point of beginning of this description; thence South $0^{\circ} 32'$ East along the Westerly line of 60 foot wide Dale Road 45.62 feet to the Northerly line of the 110 foot wide Hetch Hetchy right-of-way; thence South $70^{\circ} 09' 00''$ West along said Northerly right-of-way line 288.75 feet to the Easterly line of Freeway 99 Ramp "F", being a point on a non-tangent curve, from which a radial line bears South $62^{\circ} 27' 34''$ West to the center; thence Northwesterly 86.26 feet along said non-tangent curve, concave to the Southwest, having a radius of 3583.00 feet and a central angle of $1^{\circ} 22' 46''$; thence North $25^{\circ} 43' 50''$ West along a non-tangent line 44.10 feet to a tangent curve; thence Northwesterly 448.62 feet along said tangent curve, concave to the Southwest, having a radius of 3200.00 feet and a central angle of $8^{\circ} 01' 57''$ to a non-tangent line; thence North $16^{\circ} 35' 55''$ East along said non-tangent line 34.99 feet; thence North $47^{\circ} 33' 16''$ East along the Southerly line of Beckwith Road (over crossing) 126.20 feet; thence continuing along said Southerly line North $49^{\circ} 12' 18''$ East 238.91 feet; thence South $77^{\circ} 25' 32''$ East 50.95 feet to said Westerly line of Dale Road; thence South $37^{\circ} 28' 38''$ East along said Westerly line 100.96 feet to a point on a non-tangent curve from which a radial line bears South $58^{\circ} 07' 01''$ West to the center; thence Southerly 574.51 feet along said non-tangent curve, having a radius of 1050.00 feet and a central angle of $31^{\circ} 20' 59''$ to the point of beginning.

Including also all of the Hetch Hetchy right-of-way immediately adjacent to the above described property.

Parcel 2

Commencing at the Southeast corner of said Section 11, thence North $0^{\circ} 19' 18''$ West along the East line of said Section 11, a distance of 299.81 feet; thence South $89^{\circ} 28' 00''$ West 30.17 feet to the Westerly line of 60 foot wide Dale Road; thence South $0^{\circ} 32'$ East along said Westerly line 162.18 feet to the Southerly line of the 110 foot wide Hetch Hetchy right-of-way and the point of beginning of this description; thence continuing South $0^{\circ} 32'$ East along said Westerly line 45.53 feet to a tangent curve; thence Southerly 114.48 feet along said tangent curve, concave to the East, having a radius of 1630.00 feet and a central angle of $4^{\circ} 01' 26''$ to a non-tangent line; thence South $0^{\circ} 25' 24''$ East along said non-tangent line 309.27 feet; thence South $67^{\circ} 38' 03''$ West 25.32 feet to the Easterly line of Freeway 99 Ramp "F"; thence North $27^{\circ} 20' 01''$ West along said Easterly line 448.83 feet to said Southerly line of the 110 foot wide Hetch Hetchy right-of-way; thence North $70^{\circ} 09' 00''$ East along said Southerly line 235.72 feet to the point of beginning.

Including also the Westerly one-half of Dale Road immediately adjacent to the above described property.

Parcel 3

Commencing at the Southeast corner of said Section 11, thence North 0° 19' 18" West along the East line of said section 11 a distance of 299.81 feet; thence South 89° 28' 00" West 30.17 feet to the Westerly line of 60 foot wide Dale Road; thence South 0° 32' East along said Westerly line 207.71 feet to a tangent curve; thence Southerly 114.48 feet along said tangent curve, concave to the East, having a radius of 1630.00 feet and a central angle of 4° 01' 26" to the point of beginning of this description; thence South 0° 25' 24" East 309.27 feet; thence North 67° 38' 03" East 51.26 feet to a point on non-tangent curve from which a radial line bears North 75° 05' 42" East to the center; thence Northerly 294.38 feet along said non-tangent curve, concave to the East, having a radius of 1630.00 feet and a central angle of 10° 20' 52" to the point of beginning of this description.

Including also the Westerly one-half of Dale Road immediately adjacent to the above described property.

SECTION 3. ZONING MAP. Sections 11-3-8 and 14-3-8 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 1st day of November, 1976, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Orinda
Department of Planning and Community
Development

Ordinance 1560 C.S.
Exhibit A – Map

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

Ord. No. 1560-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 15th day of November, 1976, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 15, 1976

ORDINANCE NO. 1561 -C. S.

AN ORDINANCE ADDING SECTION 3-2.1510.1 TO ARTICLE 15 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO PARKING.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.1510.1 is hereby added to Article 15 of Chapter 2 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-2.1510.1. EXEMPTION OF OTHER VEHICLES. The City Manager may exempt from the provisions of this article vehicles which are being used or operated for or on behalf of the City.

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

SECTION 3. PUBLICATION. 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 November, 1976, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Newton, Siefkin

APPROVED: _____

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1559-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 November, 1976, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 8, 1976

WHEREAS, a petition was filed with the City Clerk by A. E. Fulford,
Charles F. Jeffers, Romain Schonhoff, J. A. Saletta, Trevor J. Griffith, George Gagos Jr.,
Allen Grimes, Lee Taggart, June Fargotstein, Audrey Brooks, Alfred Brooks, Dan Siegel,
Rose Siegel, Abe Siner, Henry Siner, Harold Siner, Norman T. Seltzer, Marjorie M. Wren,
Frank B. James, Stephen Schulman, Debra Berton, Martin S. Soriano, Prime Ventures, Ltd.,
(a limited partnership), and Garth Lipsky,
on September 29, 1976, 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 designat-
ed as the Prescott No. 5 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 4th day
of October, 1976, set said petition for hearing at the hour
of 7:30 o'clock P.M. on the 22nd day of November, 1976,
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
October 10, 1976, and on October 17, 1976; and in The
Ceres Courier, a newspaper published outside the City of
Modesto, but in the County of Stanislaus, on October 13, 1976,
and on October 20, 1976, 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 pro-
posed 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 July 16, 1976, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 22nd day of November, 1976, 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,

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 Prescott No. 5 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 22nd day of November, 1976, by Councilmember Elliott, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

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

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By R. C. Hayward
Public Works Department

10-13-76
RGR

All that real property in the State of California, County of Stanislaus, being portions of the Southeast quarter of Section 13 and the Northeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the intersection of the South line of Section 13 and the Southwestern line of 100 foot Southern Pacific Transportation Company right of way, said point being on the Northern line of MODESTO STATE HOSPITAL ADDITION (283), as per description filed April 20, 1972, as Instrument 15750, Stanislaus County Records;

1. thence along said section line common to Sections 13 and 24 and Northern line of said ADDITION (283), North $89^{\circ} 07' 38''$ East, 136.07 feet, to the Northeastern line of 100 foot Southern Pacific Transportation Company right of way, said point being on the Southwestern line of NORTH 99 NO. 3 ADDITION (239), as per description filed September 8, 1969, as Instrument 30099, Stanislaus County Records;
2. thence along said Southwestern line of said ADDITION (239) and Northeastern line of 100 foot Southern Pacific Transportation Company right of way, North $43^{\circ} 26' 39''$ West, 124.05 feet, to the Southwestern corner of DALE ROAD NO.1 ADDITION (279), as per description filed December 13, 1971, as Instrument 47085, Stanislaus County Records, to the Easterly extension of the Northern line of 40 foot Shoemake Avenue;
3. thence along the boundary of said ADDITION (279), North $58^{\circ} 37' 02''$ East, 318.06 feet;
4. thence continuing along said boundary of ADDITION (279), North $16^{\circ} 00' 18''$ West, 618.31 feet;
5. thence South $89^{\circ} 08' 21''$ East, 289.60 feet;
6. thence South $28^{\circ} 22' 31''$ East, 664.65 feet;
7. thence South $12^{\circ} 58' 23''$ West, 205.50 feet, to a point on the boundary of ADDITION (239), said point being on a non-tangent curve concave to the Northeast, from which point a radial line bears North $25^{\circ} 03' 33''$ East;
8. thence along said non-tangent curve concave to the Northeast, having a Radius of 773.00 feet, a Central Angle of $19^{\circ} 02' 54''$, and an Arc Length of 256.99 feet, to a point on said non-tangent curve from which a radial line bears North $06^{\circ} 00' 39''$ East, said point being on the Northern boundary of 100 foot Modesto Irrigation District Lateral No. 3 right of way;
9. thence along said Northern boundary on a non-tangent curve concave to the Northwest, from which point a radial line bears North $11^{\circ} 19' 15''$ West, having a Radius of 353.80 feet, a Central Angle of $47^{\circ} 30' 23''$, and an Arc Length of 293.35 feet, to a point of tangency;
10. thence continuing along said Northern boundary of 100 foot Modesto Irrigation District Lateral No. 3 right-of-way, on a tangent line, North $31^{\circ} 10' 22''$ East, 410.44 feet, to a point on the East line of Section 13, said point also being on a Western line of NORTH 99 ADDITION (195), as per description filed June 28, 1966, as Instrument 23028, Stanislaus County Records;
11. thence along said East line of Section 13 and a Western line of said ADDITION (195), North $00^{\circ} 30' 00''$ West, 673.91 feet, to the Southeastern corner of PRESCOTT NO.4 ADDITION (291), as per description filed May 16, 1972, as Instrument 19653, Stanislaus County Records;
12. thence along the boundary of said ADDITION (291), North $89^{\circ} 21' 58''$ West, 495.00 feet, to the Southwestern corner of said ADDITION (291);
13. thence continuing along said boundary, North $07^{\circ} 44' 38''$ East, 116.00 feet, to a point on a non-tangent curve, from which point a radial line bears South $85^{\circ} 47' 41''$ East;
14. thence along said non-tangent curve concave to the Southeast, having a Radius of 82.00 feet, a Central Angle of $86^{\circ} 25' 43''$, and an Arc Length of 123.69 feet, to a point of tangency;
15. thence along a tangent line, South $89^{\circ} 21' 58''$ East, 375.00 feet, to a Western line of PARK MANOR ADDITION (109), as per description filed June 2, 1960, as Instrument 15668, Stanislaus County Records, said Western line being the Western line of 40.00 foot PRESCOTT ROAD;
16. thence along said Western line of said ADDITION (109), North $00^{\circ} 30' 00''$ West, 1087.00 feet, to a Southeastern corner of PRESCOTT NO. 3 ADDITION (227), as per description filed March 10, 1969, as Instrument 8142, Stanislaus County Records;
17. thence along the boundary of said ADDITION (227), South $89^{\circ} 06' 15''$ West, 345.51 feet;
18. thence South $00^{\circ} 53' 30''$ East, 192.00 feet;
19. thence continuing along the boundary of ADDITION (227), South $89^{\circ} 06' 15''$ West, 962.31 feet, to the Southeastern corner of SCOTT MANOR ADDITION (130), as per description filed May 29, 1962, as Instrument 20605, Stanislaus County Records;

20. thence along the Southern line of said ADDITION (130), South $89^{\circ}06'15''$ West, 1286.61 feet, to a Southeastern corner of HIGHWAY VILLAGE ADDITION (255), as per description filed June 15, 1970, as Instrument 19308, Stanislaus County Records;
21. thence South $89^{\circ}06'15''$ West, 40.00 feet, to a point on the North-South quarter section line of Section 13, said quarter section line also being the Western line of 40.00 foot Conant Avenue;
22. thence along said ADDITION (255) and said quarter section line, South $00^{\circ}33'35''$ East, 755.69 feet, to the Southernmost corner of ADDITION (255), said point being on the Southwestern right of way line of California State Highway 99, said point also being on a Northeastern corner of BECKWITH NO.1 ADDITION (305), as per description filed June 19, 1973, as Instrument 54524, Stanislaus County Records;
23. thence continuing along said quarter section line of Section 13 and an Eastern line of said ADDITION (305), South $00^{\circ}33'35''$ East, 147.25 feet, to a point on the Southwestern line of 100 foot Southern Pacific Transportation Company right of way;
24. thence leaving the existing City Limits along said Southwestern right of way line, South $43^{\circ}26'39''$ East, 1826.60 feet, to the point of beginning, containing 106.681 Acres, more or less.

AN ORDINANCE AMENDING SECTION MAP 24-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (COLLEGE WEST PROPERTIES) (P-D 148)

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

SECTION 1. ZONING CHANGE. Section 24-3-8 of the Zoning Map is hereby amended to reclassify the following-described property from Low Density Residential Zone, R-1, and Medium High Density Residential Zone, R-3, to Planned-Development Zone, P-D 148:

All that portion of Lots 3, 4, 5, 8, 9, and 10 of the Carmichael Colony in Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian as per map filed in Volume 7 of Maps, at Page 20, in the Stanislaus County Records, described as follows:

R-1 to P-D

BEGINNING at the point of intersection of the centerline of Carpenter Road with the centerline of Blue Gum Avenue; thence southerly along the centerline of Carpenter Road a distance of 1348.00 feet to the point of intersection with the easterly extension of the southerly lot line of said Lot 10 of the Carmichael Colony; thence westerly along said lot line extension and the southerly lot line of said Lots 10, 9, and 8 of the Carmichael Colony a distance of 2001.15 feet; thence northerly along a line that is parallel with the centerline of Carpenter Road, a distance of 1348.00 feet to the point of intersection with the centerline of Blue Gum Avenue; thence easterly along the centerline of Blue Gum Avenue, a distance of 2001.15 feet, to the point of beginning.

EXCEPTING THEREFROM the following described property:

COMMENCING at the centerline intersection of Blue Gum Avenue and Carpenter Road; thence South $89^{\circ} 00' 50''$ West along the centerline of said Blue Gum Avenue a distance of 1055.00 feet to the true point of beginning of this description; thence at right angles South $0^{\circ} 59' 10''$ east a distance of 245.00 feet; thence South $89^{\circ} 00' 50''$ West parallel to the aforementioned centerline of Blue Gum Avenue a distance of 800.00 feet; thence North $0^{\circ} 59' 10''$ West a distance of 245.00 feet to said centerline of Blue Gum Avenue; thence North $89^{\circ} 00' 50''$ East along said centerline of Blue Gum Avenue a distance of 800.00 feet to the point of beginning.

R-3 to P-D

COMMENCING at the centerline intersection of Blue Gum Avenue and Carpenter Road; thence South $89^{\circ} 00' 50''$ West along the centerline of said Blue Gum Avenue a distance of 1055.00 feet to the true point of beginning of this description; thence at right angles South $0^{\circ} 59' 10''$ east a distance of 245.00 feet; thence South $89^{\circ} 00' 50''$ West parallel to the aforementioned centerline of Blue Gum Avenue a distance of 800.00 feet; thence North $0^{\circ} 59' 10''$ West a distance of 245.00 feet to said centerline of Blue Gum Avenue; thence North $89^{\circ} 00' 50''$ East along said centerline of Blue Gum Avenue a distance of 800.00 feet to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D 148 Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. A neighborhood shopping center with land uses as permitted in the C-1 zone.
2. An office-motel-restaurant complex.
3. An industrial park with land uses as permitted in the M-1 zone with the exception of the following: Brewery; food products manufacturing, storage and processing; hatchery and sale of poultry; and animal slaughter.

SECTION 3. ZONING MAP. Section Map 24-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1976, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Mensinger, Newton, Mayor Davies
NOES: Councilmembers: Dunlap, Siefkin
ABSENT: Councilmembers: None

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

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

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

APPROVED AS TO DESCRIPTION: Albin Prichard
DEPARTMENT OF PLANNING
AND COMMUNITY DEVELOPMENT

Ordinance 1563 C.S.
Exhibit A – Map

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

Ord. No. 1563-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 December, 1976, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Mensinger, Newton,
Mayor Davies
NOES: Councilmembers: Dunlap, Siefkin
ABSENT: Councilmembers: None

APPROVED 
LEE H. DAVIES, Mayor

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 5, 1977

AN ORDINANCE AMENDING SECTION MAP 24-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (PAUL M. ZAGARIS)

WHEREAS, a verified application for an amendment to Section 24-3-8 of the Zoning Map was filed by Paul M. Zagaris on September 17, 1976, to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located on the south side of Blue Gum Avenue, west of Rosemore Avenue, and on the north side of Woodland Avenue, east of Rosemore, and

WHEREAS, after a public hearing held on October 26, 1976, it was found and determined by the Planning Commission that the requested rezoning of the property on the south side of Blue Gum, west of Rosemore Avenue to R-2 Medium Density Residential Zone is required by public necessity, convenience, and general welfare for the following reasons:

- (a) The proposed R-2 zoning will provide a medium density residential transition between the proposed lower density developments to the south and Blue Gum Avenue and the MJC West Campus to the north.
- (b) This portion of the proposed R-2 zoning, while extending beyond 300 feet in depth from Blue Gum Avenue, provides an R-2 lot yield equal to that of the Zoning and Development Plan Prototype of the Modesto Urban Area General Plan due to the unique subdivision pattern and street design.
- (c) This portion of the proposed R-2 zoning complies with the Medium Density Residential criteria as outlined in the Modesto Urban Area General Plan.

and

WHEREAS, by Resolution No. 76-182, adopted on October 26, 1976, the Planning Commission recommended to the Council that the application of Paul M. Zagaris to amend Section 24-3-8 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located on the south side of Blue Gum west of Rosemore Avenue be approved for the reasons set forth above, said property being described as follows:

PARCEL A

All that certain real property situate in a portion of Lot 1 of the Rosemore Park Tract, lying in the Southwest quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California described as follows:

BEGINNING at the Northeast corner of Lot 1, of the Rosemore Park Tract as filed in Volume 3 of Maps, at Page 4, Stanislaus County Records, said corner also being the interior quarter corner of said Section 24, and the intersection of the center line of Blue Gum Avenue with the center line of Rosemore Avenue; thence South 1° 01' 30" East, along the East line of said Lot 1, and said center line of Rosemore Avenue, a distance of 558.00 feet; thence South 88° 58' 30" West, 413.54 feet; thence North 1° 00' 57" West parallel with and 250.00 feet easterly, measured at right angles from the West line of the East one-half of said Lot 1, a distance of 555.05 feet to a point on the North line of said Lot 1, and said center line of Blue Gum Avenue; thence North 88° 34' East, along said North line of Lot 1 and the center line of Blue Gum Avenue, a distance of 413.46 feet to the point of beginning.

Containing: 5.283 acres.

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on December 13, 1976, in the City Council Chambers, City Hall, 801 - 11th Street, Modesto, California, 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 for the following reasons:

- (a) The proposed R-2 zoning will provide a medium density residential transition between the proposed lower density developments to the south and Blue Gum Avenue and the MJC West Campus to the north.
- (b) The proposed R-2 zoning, while extending beyond 300 feet in depth from Blue Gum Avenue, provides an R-2 lot yield equal to that of the Zoning and Development Plan Prototype of the Modesto Urban Area General Plan due to the unique subdivision pattern and street design.
- (c) The proposed R-2 Zoning complies with the Medium Density Residential criteria as outlined in the Modesto Urban Area General Plan.

SECTION 2. ZONING CHANGE. Section 24-3-8 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 Lot 1 of the Rosemore Park Tract, lying in the Southwest quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California described as follows:

BEGINNING at the Northeast corner of Lot 1, of the Rosemore Park Tract as filed in Volume 3 of Maps, at Page 4, Stanislaus County Records, said corner also being the interior quarter corner of said Section 24, and the intersection of the center line of Blue Gum Avenue with the center line of Rosemore Avenue; thence South $1^{\circ} 01' 30''$ East, along the East line of said Lot 1, and said center line of Rosemore Avenue, a distance of 558.00 feet; thence South $88^{\circ} 58' 30''$ West, 413.54 feet; thence North $1^{\circ} 00' 57''$ West parallel with and 250.00 feet easterly, measured at right angles, from the West line of the East one-half of said Lot 1, a distance of 555.05 feet, to a point on the North line of said Lot 1, and said center line of Blue Gum Avenue; thence North $88^{\circ} 34'$ East, along said North line of Lot 1 and the center line of Blue Gum Avenue, a distance of 413.46 feet to the point of beginning.

Containing: 5.283 acres.

SECTION 3. ZONING MAP. Section 24-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1976, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded

by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Newton

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

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *William Thibodeau*
Department of Planning and
Community Development

**Ordinance 1564 C.S.
Exhibit A – Map**

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

Ord. No. 1564-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 3rd day of January, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Kullijian, Newton

APPROVED



LEE H. DAVIES, Mayor

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 2, 1977

AN ORDINANCE AMENDING SECTION MAP 12-3-8 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-
FYING CERTAIN PROPERTY LOCATED THEREON. (VEN-DALE
PROPERTIES)

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

SECTION 1. ZONING CHANGE. Section 12-3-8 of the
Zoning Map is hereby amended to reclassify the following-described
property from Low-Density Residential Zone, (R-1),
to Planned-Development Zone, P-D (146) :

All that certain real property situate in a portion of Lot 4,
of the McKinney Colony, lying in the Southwest quarter of
Section 12, Township 3 South, Range 8 East, Mount Diablo Base
and Meridian, described as follows:

BEGINNING at the West quarter corner of said Section 12, said
corner being the intersection of the center line of Dale Road
with the center line of Veneman Avenue; thence North 88°46'45"
East, along the East-West quarter Section line of said Section
12, and said center line of Veneman Avenue, a distance of 550.00
feet; thence South 0°48'40" East, 434.93 feet; thence South 89°
11'20" West, 549.99 feet to a point on the West line of said
Section 12, and said center line of Dale Road; thence North 0°
48'40" West, along said West line of Section 12, and said center
line of Dale Road, a distance of 431.00 feet to the point of
beginning.

Containing: 5.467 Acres

SECTION 2. USES. The following uses shall be permitted in said P-D (146) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. Commercial uses and professional office uses as permitted in the H-1 Zone.
2. An off-street parking area.

SECTION 3. ZONING MAP. Section Map 12-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. 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 December, 1976, 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: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Bewyn L. Johnson
BEWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William Smith
Planning Department

Ordinance 1565 C.S.
Exhibit A – Map

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

Ord. No. 1565-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 3rd day of January, 19 77, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Kullijian, Newton

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 2, 1977

AN ORDINANCE AMENDING SECTION MAP 23-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-
FYING CERTAIN PROPERTY LOCATED THEREON. (ST. PAUL'S
EPISCOPAL CHURCH)

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

SECTION 1. ZONING CHANGE. Section 23-3-9 of the
Zoning Map is hereby amended to reclassify the following-described
property from Low Density Residential Zone, R-1
to Planned-Development Zone, P-D(147):

All that portion of the northwest one-quarter of the northwest
one-quarter of Section 23, Township 3 South, Range 9 East,
M. D. B. & M. described as follows:

All of parcel 1 as shown on the map filed in Book 14 of Parcel
Maps, at Page 20, in the Stanislaus County Records.

Including also the southerly 60 feet of East Briggsmore Avenue,
the easterly 50 feet of Oakdale Road, and the northerly 40 feet
of St. Paul's Way, all being immediately adjacent to said
Parcel 1.

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

1. a church
2. a business and professional office complex
3. a book store
4. a 50-dwelling unit retirement center

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

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

SECTION 5. PUBLICATION. 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 December, 1976, by Councilman Kullijian, 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: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

BY Albain (Puehols)
Planning Department

Ordinance 1566 C.S.
Exhibit A – Map

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

Ord. No. 1566-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 3rd day of January, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Kullijian, Newton

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 2, 1977

AN ORDINANCE AMENDING SECTION MAP 16-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(LAWYER AND ADAMS)

WHEREAS, a verified application for an amendment to Section
16-3-9 of the Zoning Map was filed by Jay Lawyer and
Al Adams
on September 14, 1976, to reclassify from Low Density Residential
Zone, R-1, to Professional Office
Zone, P-0, the hereinafter described
property, and

WHEREAS, after public hearing held on October 26, 1976,
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. 76-183, adopted on October 26,
1976, the Planning Commission recommended to the Council that the applica-
tion of Jay Lawyer and Al Adams
to amend Section 16-3-9 of the
Zoning Map to reclassify the hereinafter described property from Low Density Residential
Zone, R-1, to Professional
Office Zone, P-0, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on
December 20, 1976, in the City Council Chambers, City Hall, 801
11th Street, Modesto, California, this Council finds and determines that the
requested rezoning is in accordance with the general plan and will serve the
public health, safety and general welfare and provide the economic and social
advantages resulting from orderly, planned use of land resource for the
following reasons:

1. The subject property has frontage on Coffee Road, a 4-lane major street.
2. The subject property is located only about 100 feet from the Coffee Plaza Shopping Center and is near the Memorial Hospital North, both of which are centers of activity.

SECTION 2. ZONING CHANGE. Section 16-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Professional Office Zone, P-0:

All that portion of Section 16, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

The South 144 feet of the North 922.82 feet of the East 160 feet of Lot 21 of the Coffee Colony as per map filed 1-13-1906 in Volume 2, Page 22, Stanislaus County Records, known as 2305 Coffee Road.

Including also the westerly 25 feet of Coffee Road immediately adjacent to the above described property.

SECTION 3. ZONING MAP. Section 16-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of December, 1976, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES:	Councilmembers:	Dunlap, Elliott, Kullijian, Mensinger, Mayor Davies
NOES:	Councilmembers:	Siefkin
ABSENT:	Councilmembers:	Newton

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Alleana Smith
Department of Planning and Community
Development

Ordinance 1567 C.S.
Exhibit A – Map

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

Ord. No. 1567-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 3rd day of January, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Kullijian, Newton

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 2, 1977

AN ORDINANCE AMENDING SECTION MAP 9-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(GRAND PRIX GROUP)

WHEREAS, a verified application for an amendment to Section
9-3-9 of the Zoning Map was filed by Grand Prix Group

on September 17, 1976, 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 October 26, 1976,
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. 76-186, adopted on October 26,
1976, the Planning Commission recommended to the Council that the applica-
tion of Grand Prix Group

to amend Section 9-3-9 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 held on
December 20, 1976, in the City Council Chambers, City Hall, 801
11th Street, Modesto, California, this Council finds and determines that the
requested rezoning is in accordance with the general plan and will serve the
public health, safety and general welfare and provide the economic and social
advantages resulting from orderly, planned use of land resource for the
following reasons:

1. The proposed R-2 zoning will provide a Medium Density Residential transition between the higher density and commercial development to the south and southeast, respectively.
2. The proposed R-2 zoning is in conformance with the Northeast McHenry Neighborhood Zoning and Development Policy revised by the Planning Commission on April 16, 1974.

3. The proposed R-2 zoning complies with the Medium Density Residential criteria as outlined in the Modesto Urban Area General Plan.

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

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

COMMENCING at the Northeast corner of said Section 9, said corner being the intersection of the center line of Mable Avenue and the center line of Coffee Road; thence South 0°48' East, along the East line of said Section 9, and the center line of Coffee Road, a distance of 540.76 feet to the point of beginning; thence continuing South 0°48' East, along said East line of Section 9, a distance of 776.84 feet to the Easterly prolongation of the North line of Sylvan Meadows, as filed in Volume 24, of Maps, at Page 55, Stanislaus County Records; thence North 89°16' West, along said Easterly prolongation of the North line and the North line of said Sylvan Meadows, a distance of 306.23 feet; thence North 0°44' East, 91.31 feet; thence North 31°52'53" West, 40.00 feet; thence North 0°44' East, 521.56 feet; thence South 89°16' East, 9.25 feet; thence North 0°44' East, 130.00 feet to a point on the North line of the land conveyed to the Northern California District Church of the Brethren, by Instrument No. 63-9080; thence South 89°16' East, along the North line of said Church of the Brethren property, a distance of 297.75 feet to the point of beginning.

CONTAINING: 5.577 Acres.

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 20th day of December, 1976, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES:	Councilmembers:	Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Newton

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Nichols
Department of Planning and Community
Development

Ordinance 1568 C.S.
Exhibit A – Map

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

Ord. No. 1568-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 3rd day of January, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Kullijian, Newton

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 2, 1977

AN ORDINANCE AMENDING SECTION 9-5.01 OF CHAPTER 5 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO NUMBERING OF PROPERTIES.

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

SECTION 1. AMENDMENT OF CODE. Section 9-5.01 of Chapter 5 of Title IX of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 9-5.01. NUMBERING SYSTEM. (a) All properties or parcels of land within the corporate limits of the City which contain structural improvements for which a building permit is required shall be identified by an official street number. Such identification shall, however, in no way affect the legal description of property by lot and block number or by metes and bounds.

(b) Each building or group of buildings shall be assigned a number or numbers in accordance with a street numbering policy to be adopted from time to time by the City Council by resolution.

(c) Numerals indicating the official numbers which have been assigned to buildings shall be posted in a manner which will enable them to be visible from the street on which the property is located. Such numerals shall be not less than three (3") inches in height and shall have a stroke width of not less than one-quarter (1/4") inch for residential uses; such numerals shall be not less than six (6") inches in height and shall have a stroke width of not less than one-half (1/2") inch for non-residential uses.

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective on and after March 1, 1977.

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 27th day of December, 1976, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Newton, Siefkin

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

ATTEST: Pauline P. Stanley
~~XXXXXXXXXXXXXXXXXXXX~~ City Clerk
(SEAL) PAULINE P. STANLEY, Acting

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

Ord. No. 1569-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of January, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Newton

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 9, 1977

AN ORDINANCE ADDING ARTICLE 35 TO CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, RELATING TO SIGN REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Article 35 is hereby added to Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

ARTICLE 35. SIGN REGULATIONS

SEC. 10-2.3501. PURPOSE. The purpose of these sign regulations is to provide minimum standards to safeguard life, health, property and public welfare in keeping with the character of the City of Modesto by regulating and controlling the size, height, structural design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures and to accomplish the following results:

(a) To protect and enhance the character of residential neighborhoods and property values by prohibiting obtrusive and incompatible signs, and

(b) To promote and maintain healthy commercial centers and property values, to effectively communicate the nature of goods and services, and to avoid wasteful, ugly and unsightly competition in signs, and

(c) To provide a reasonable and comprehensive system of controls of signs, and

(d) To encourage signs which are well designed and pleasing in appearance, and to provide incentive and latitude for variety, good design relationship, spacing and location, and

(e) To encourage a desirable urban character which has a minimum of overhead clutter, and

(f) To attract and direct persons to various activities and enterprises in order to provide for the maximum public convenience, and

(g) To enhance the economic value of the community and each area of it through the regulation of size, location, design and illumination of signs.

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

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



EXAMPLES OF SIGN AREA

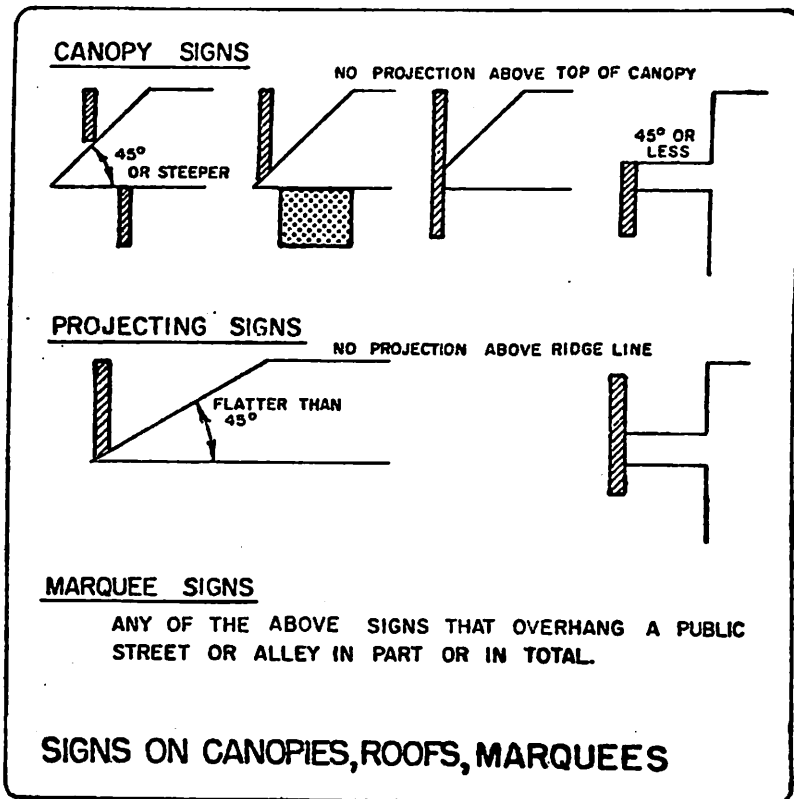
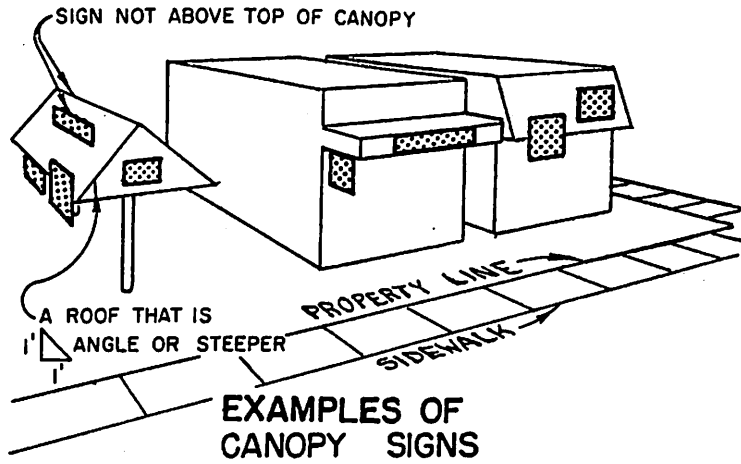
Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except where two (2) such faces are placed back to back and are at no point more than two (2') feet from one another, the area of the sign shall be taken as the area of one face if the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

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

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

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

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

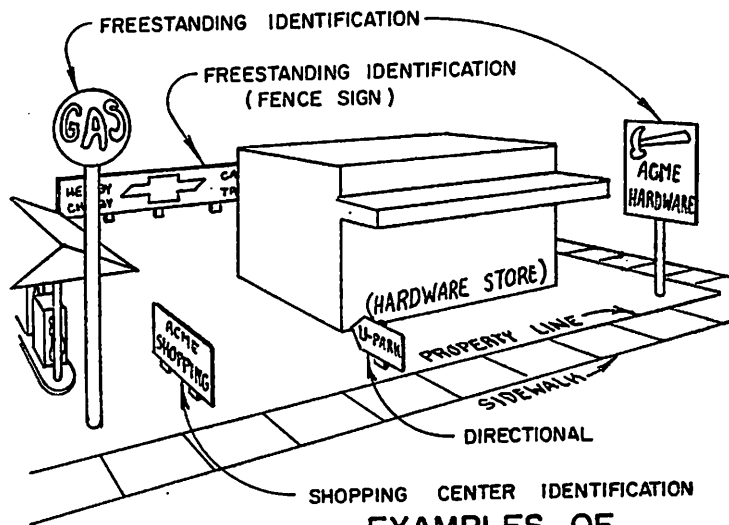


(f) "Construction Sign" shall mean a sign with the names of the architects, engineers, contractors, subcontractors and financing agencies of buildings and structures being constructed upon the premises on which the sign is located.

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

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

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



EXAMPLES OF
FREESTANDING SIGNS

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

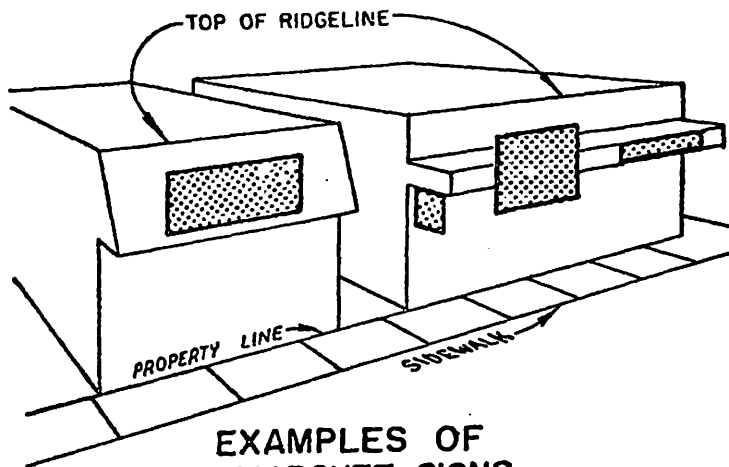
(k) "Height" shall mean the vertical distance from the highest point used in measuring the area of a sign to the top of curb of the street at a point which is closest to the highest point of the sign.

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

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

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

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

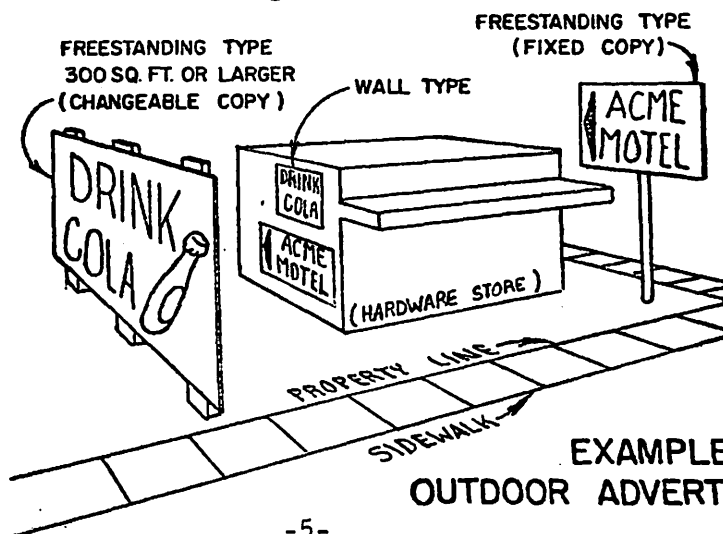


EXAMPLES OF MARQUEE SIGNS

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

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

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



EXAMPLES OF OUTDOOR ADVERTISING SIGNS

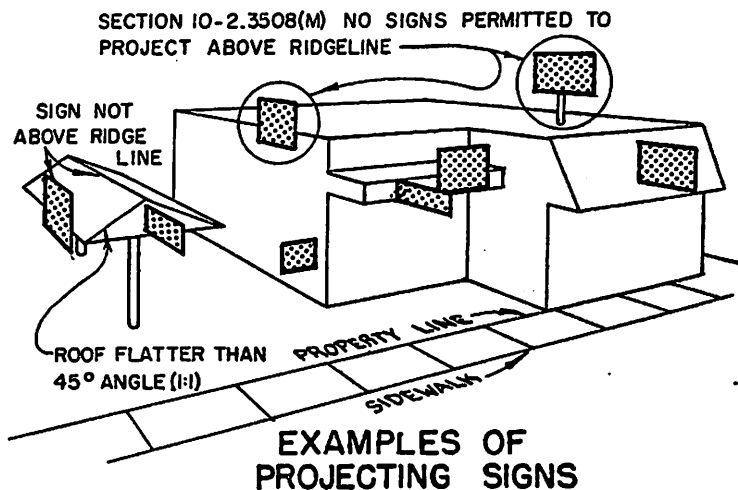
(s) "Political Sign" shall mean a sign advertising a candidate for political office, a political party or a measure scheduled for an election.

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

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

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

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



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

(w) "Sign" shall mean any structure, device, letter, figure, character, poster, picture, trademark or reading matter which is

used or designed to announce, declare, demonstrate, display or otherwise identify or advertise, or attract the attention of the public. However, a sign shall not include the following:

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

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

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

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

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

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

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

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

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

(1) For Sale or Rent Sign

(2) Garage Sale Sign

(3) Open House Directional Sign

(4) Political Sign

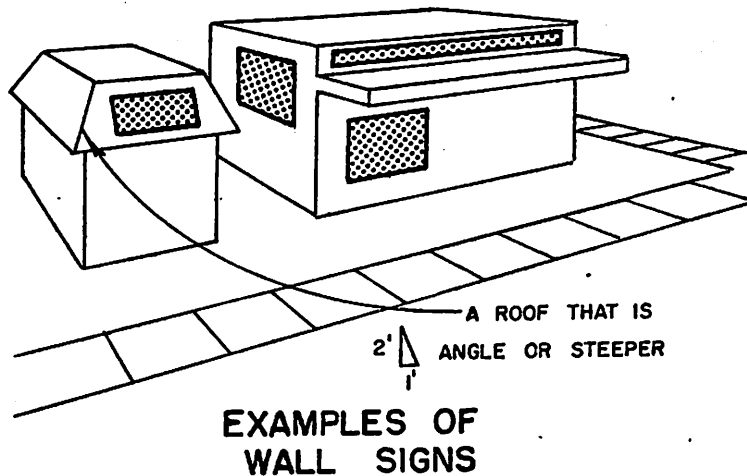
(5) Signs for Fireworks Stands, Pumpkin Sales, and Christmas Tree Sales Lots

(6) Window Sign

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

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

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



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

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

SEC. 10-2.3503. ADMINISTRATION. (a) Duty to Enforce. It is the duty of the Chief Building Official to enforce all of the provisions of this article.

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

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

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

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

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

(1) Name, address and telephone number of the owner of the property.

(2) Name, address and telephone number of the applicant (owner of the sign).

(3) Name, address and telephone number of the sign contractor, and contractor's state license number.

(4) Location of the building, structure, or lot to which or upon which the the sign is to be attached, erected, or painted.

(5) Two (2) copies of a plan showing:

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Removal of the Copy of Certain Signs. The copy of any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product available for purchase by the public, shall be taken down, removed, painted over, or covered as approved by the Chief Building Official, by the owner, agent, or person having the beneficial use of the building, structure, or premises upon which such sign may be found. This action shall occur within ten (10) days after written notification from the Chief Building Official. Upon failure to comply with such notice within the time specified in such order, the Chief Building Official is hereby authorized to take down, remove, paint over, or cover such sign or sign copy, or to cause such action to be taken. Any expense incidental thereto shall be paid by the owner of the building or structure to which such sign is attached, or by the owner of said sign.

SEC. 10-2.3504. SIGN VARIANCES. Except for height, length, and area limitations, and the types of signs allowed in specific zones, the Board of Zoning Adjustment may grant variances from the provisions of this article in accordance with the provisions of Article 20 of Chapter 2 of Title X of this Code.

SEC. 10-2.3505. APPEALS. Any person aggrieved or affected by any decision of an administrative official of the City which involves the application of any of the provisions of this article may appeal such decision to the Board of Zoning adjustment in accordance with the provisions of Article 19 of Chapter 2 of Title X of this Code.

SEC. 10-2.3505.1. SIGNS ADJACENT TO FREEWAYS AND SELECTED STREETS. Notwithstanding any other provisions of this chapter including Article 20 hereof, or any other law or ordinance of the City, no sign shall be placed or located on either side of a State or County freeway as defined in the Streets and Highways Code of the State of California, or on either side of Briggsmore Avenue in a manner that makes the matter displayed thereon visible to persons or passengers upon any such thoroughfare, except as follows:

(a) This section shall have no application to signs used exclusively for:

(1) The display of official notices used by any court or public body or official, or for the posting of notices by any public officer in the performance of a public duty, or by any person in giving legal notice.

(2) Directional warning or informational purposes of a public or semi-public nature, directed and maintained by an official body.

(b) A single identification sign is permitted which is used exclusively to advertise the ownership, sale or lease of the property upon which such sign is placed, or to advertise a business conducted, or services rendered, or goods produced upon such premises, or any other lawful activity conducted upon such premises, provided:

(1) Signs shall not rotate or otherwise move, nor shall they be so designed and operated as to simulate action.

(2) Illuminated signs shall be nonflashing and shall not be so located that any green, yellow or red light thereon will materially or practically tend to create a traffic hazard.

SEC. 10-2. 3506. STATUS AFTER ANNEXATION OF COMMERCIAL SIGN RESTRICTIONS IMPOSED BY STANISLAUS COUNTY. Whenever territory is annexed to the City of Modesto and within said territory there are located signs which have had restrictions or limitations imposed thereon by the County of Stanislaus, and said restriction or limitations are more restrictive than those imposed by this article, said restrictions or limitations, after annexation, shall apply in and be enforced by the City of Modesto.

SEC. 10-2. 3507. NONCONFORMING SIGNS: DEFINITIONS: REMOVAL, ALTERATION OR REPLACEMENT.

(a) For the purpose of this article, a "nonconforming sign" is either:

(1) A sign which does not conform with the provisions of this article, but which:

(aa) Was lawfully in existence and in use within the City on March 1, 1977, including signs erected pursuant to use permits and to variances granted by the City prior to March 1, 1977;

(ab) Was lawfully in existence and in use on property outside of the City on the date upon which the annexation of such property to the City was completed, including signs erected pursuant to use permits and variances granted by the County of Stanislaus;

(ac) Was lawfully in existence and in use within the City on the effective date of an amendment of the zoning map of the City of Modesto for the property on which the sign is located; or

(ad) Was lawfully in existence and in use within the City on the effective date of any future amendments of this article, which amendment makes such sign nonconforming.

(2) A sign which did not conform on February 28, 1977, with the provisions of Chapter 6 of Title IX of the Modesto Municipal Code as said chapter was in effect on February 28, 1977.

(b) A nonconforming sign shall not be replaced, altered, reconstructed, relocated or expanded in any manner unless it is made to conform with all the provisions of this article. However, other nonconforming signs on the same property need not be made to conform as a result.

(1) Change in copy shall be permitted if no structural changes in the sign are necessary except that no change in copy shall be permitted for nonconforming painted wall signs.

(2) Ordinary maintenance and minor repairs which will not increase the normal life of the sign and which are required for safety purposes shall be permitted. Structural alterations to a nonconforming sign are prohibited.

(3) If the use identified by a nonconforming sign is discontinued the sign shall be removed within thirty (30) days unless within that period of time it is made to conform to the provisions of this article. If such sign is not made to conform, it shall thereafter be unlawful. "Discontinue" in this subsection shall mean cessation of operation or change of use. "Discontinue" shall not mean an ownership change or a name change as long as there is no cessation of operation and the use is not changed.

(c) Each nonconforming sign shall be removed or made to conform to the provisions of this article at the sole cost of the owner thereof, not later than the expiration of the period of time applicable to a particular sign as set forth in this article or as set forth in the following table, whichever is the shorter period of time:

<u>Description of Sign</u>	<u>Abatement Schedule</u>
(1) Temporary signs other than those listed in paragraph (2) below.	
(aa) In the City	By April 1, 1977
(ab) Annexed to the City	Three (3) calendar months from date of annexation to the City of Modesto.
(2) Paper signs tacked to side of a building or bulletin board:	
(aa) In the City	By June 1, 1977
(ab) Annexed to the City	Three (3) calendar months from date of annexation to the City of Modesto.
(3) Rotating, moving, flashing, changing or blinking portions of signs:	
(aa) Separate time and temperature signs	Excepted, no abatement necessary if sign otherwise conforms.
(ab) Conventional clock	Excepted, no abatement necessary if sign otherwise conforms.
(ac) Rotating signs, the stopping of the rotating portion of which would substantially destroy the utility of the sign.	
(i) In the City	By January 1, 1982
(ii) Annexed to the City	By January 1, 1982, or three (3) years from annexation to the City of Modesto, whichever is the longer period of time.
(ad) All others.	
(i) In the City	By June 1, 1977
(ii) Annexed to the City	Three (3) calendar months from date of annexation to the City of Modesto.
(4) All other signs which did not conform on February 28, 1977, with the provisions of Chapter 6 of Title IX of the Modesto Municipal Code as said chapter was in effect on February 28, 1977.	
(aa) In the City	By January 1, 1982
(ab) Annexed to the City	By January 1, 1982, or three (3) years from date of annexation to the City of Modesto, whichever is the longer period of time.

(5) All other signs which do not conform with the provisions of this article.

(aa) In the City

(ab) Annexed to the City

By January 1, 1987

By January 1, 1987, or three (3) years from date of annexation to the City of Modesto, whichever is the longer period of time.

(6) Variance provision for signs made nonconforming by annexations

The Board of Zoning Adjustment may by a variance grant up to seven (7) years additional time, to the three (3) years allowed from the date such a sign is made nonconforming by annexation.

SEC. 10-2.3508. GENERAL REQUIREMENTS.

(a) Height Limitation. The maximum height of any sign shall be as stated herein, but in no case shall a sign exceed thirty-five (35') feet in height.

(b) Rotating, Moving, Flashing, Changing or Blinking Signs. No sign shall have or consist of any moving, rotating or otherwise animated part or any flashing, blinking, fluctuating or otherwise animated light. The provisions of this subsection shall not be applied so as to prohibit the following types of signs:

(1) A sign showing time separately and which changes no oftener than once a minute, or a conventional clock face.

(2) A sign showing temperature separately and which changes only when the temperature rises or falls one degree or more.

(3) An on-premise barber pole of a length not to exceed thirty (30'') inches of traditional design which shall be permitted to revolve during the time that a barber shop is open for business. Said sign shall not exceed ten (10') feet in height.

(c) Projections. All signs, if otherwise authorized, are permitted to project into required front, side, and rear yards. The permitted projection of an authorized sign into any street or alley right-of-way is as follows:

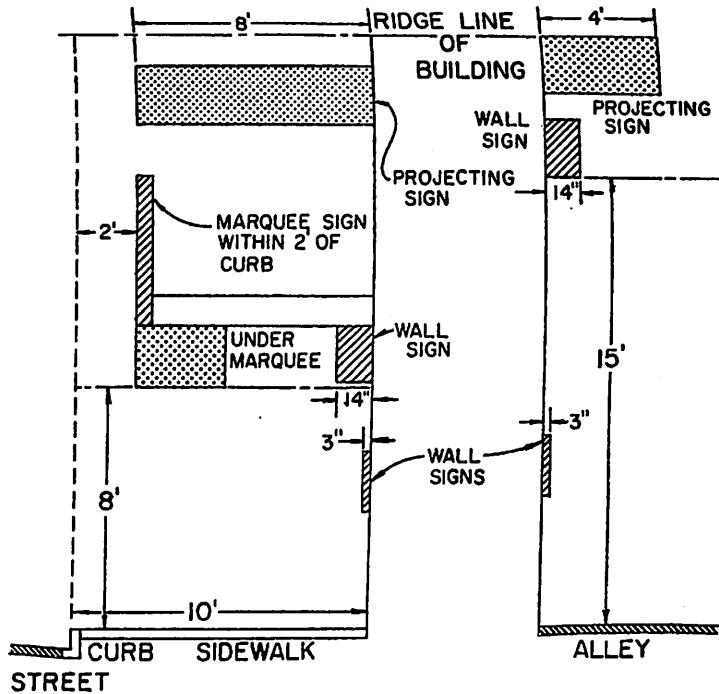
(1) Freestanding sign: no projection.

(2) Wall sign: up to fourteen (14'') inches in thickness.

(3) Marquee sign: not closer than two (2') feet from the face of the curb.

(4) Projecting sign: up to eight (8') feet into any street right-of-way and up to four (4') feet into any alley right-of-way, but not closer than two (2') feet from the face of the curb.

(5) Bus bench sign: entirely within street right-of-way.



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

(d) Vertical Clearance. No sign shall be less than eight (8') feet above a public or private sidewalk or fifteen (15') feet above ground level in areas open to vehicular traffic except wall signs not exceeding three (3'') inches in thickness.

(e) Obstructions to Doors, Windows or Fire Escapes. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window, fire escape or exit way.

(f) Construction Standards. All signs, including all parts, portions, units and material comprising the same, together with the frames, backgrounds, supports and anchorage therefor shall be manufactured, fabricated, assembled, constructed and erected in accordance with applicable Building, Electrical and Fire Prevention Codes of the City of Modesto.

(g) Illuminated Signs. Any illuminated sign or lighting device shall employ only lights emitting a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be so placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

(h) Signs Not to Constitute Vehicular Traffic Hazard. No sign, as regulated in this article, shall be erected at the intersection of any street, or at any railroad grade crossing or at any driveway in such a manner as to obstruct free and clear vision of operators of motor vehicles, or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device; or which makes use of the words "STOP", "DANGER", or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

(i) Sign Company Identification. It shall be unlawful for any person to change copy on or to erect, alter, or relocate any sign without printing or causing to be printed in the lower right-hand corner of the sign in clearly legible letters, the name of the person, firm or company doing such work, the date of such work, and the City of Modesto building permit number. Said information shall not exceed sixteen (16) square inches in area. If said information is not printed in the lower right-hand corner of a sign, the Chief Building Official may remove the sign pursuant to the provisions of Section 10-2. 3503(k) of this article.

(j) Temporary Signs. It shall be unlawful for any person to erect, install, or maintain any temporary sign.

(k) Bench Signs. It shall be unlawful for any person to erect, install or maintain any bench sign, except on public property pursuant to a franchise granted by the City of Modesto.

(l) Wall Signs, Additional Standards. No wall sign shall exceed fourteen (14") inches in thickness; no display or messages shall be permitted on the edges of wall signs except the sign company's identification as required by paragraph (i) of this section.

(m) Ridgeline Limitation. A wall, canopy, marquee or projecting sign shall not project above the ridgeline of the building on which the sign is mounted.

(n) Building Outlining. Outlining of a building or its roof by means of permanent lighting by exposed neon tubing, exposed incandescent lighting or other artificial lighting, or an equivalent effect, is prohibited. Outlining means delineation, with a row or band of lights, of the edges of a roof or wall surface. This provision does not prohibit floodlighting or generally illuminating buildings and their roofs nor temporary Christmas displays.

SEC. 10-2. 3509. SPECIFIC REQUIREMENTS FOR TYPE, AREA, AND HEIGHT OF SIGNS IN THE R-A, R-1, R-2, R-3 AND P-O ZONES. It shall be unlawful for any person to erect, construct or maintain on any lot or parcel any sign of a type or having an area and/or height in violation of the following specific requirements:

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

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

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

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

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

(aa) One (1) bulletin board or identification sign not exceeding twelve (12) square feet in area and six (6') feet in height. Special church provision: If a church site is located in close proximity to land zoned for office uses, a sign conforming to the P-O Zone standards may be approved by the Board of Zoning Adjustment; if a church site is located in close proximity to land zoned for commercial uses, a sign conforming to the C-1 Zone standards may be approved by the Board of Zoning Adjustment.

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

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

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

(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 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 shall be permitted, which sign may be located on any vacant lot or parcel which is owned by the subdivision owner.

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

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

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

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

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

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

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

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

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

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

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

(i) The 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.

(iii) A sign permit shall be required.

(ac) Political signs shall not be attached to trees, fences, 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.

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

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

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

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

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

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

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

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

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

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

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

(1) Any signs permitted in the R-3 Zone.

(2) For uses other than those permitted in the R-3 Zone, for each site one (1) identification sign per street frontage, each sign not exceeding sixteen (16) square feet in area and eight (8') feet in height. This sign shall be in lieu of the bulletin board or identification sign permitted by conditional use permit in Section 10-2.3509(a)(4)(aa).

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

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

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

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

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

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

(ad) Exception: Any sign existing on March 1, 1977, in the C or M Zones on a pylon which extends above a ridgeline shall be allowed to remain in addition to one (1) of the above signs as a nonconforming sign subject to abatement according to the schedule set forth in Section 10-2. 3507.

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

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

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

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

(ad) After the erection of a shopping center sign at a shopping center, no additional free-standing or projecting identification sign shall be erected at such shopping center for any use or occupancy therein.

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

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

(i) A shopping center is usually comprised of a cluster of retail uses at one 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 not normally traversed by any public streets.

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

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

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

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

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

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

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

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

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

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

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

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

(ii) For each other frontage of the building:

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

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

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

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

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

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

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

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

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

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

(9) Political signs, each not exceeding sixty-four (64) square feet in area and eight (8') feet in height. Said signs shall 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.

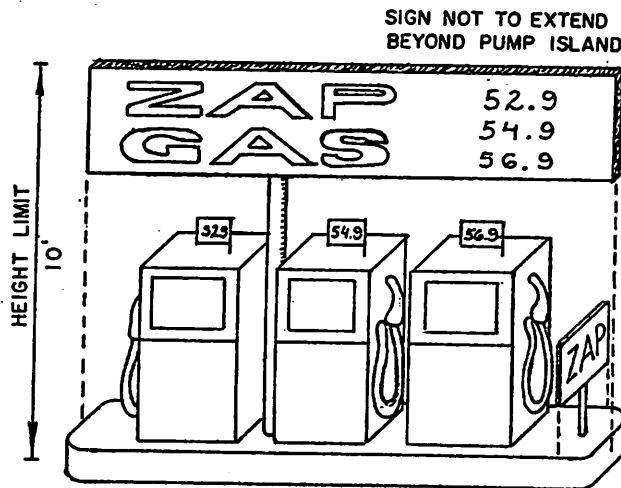
(10) Temporary signs are not permitted.

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

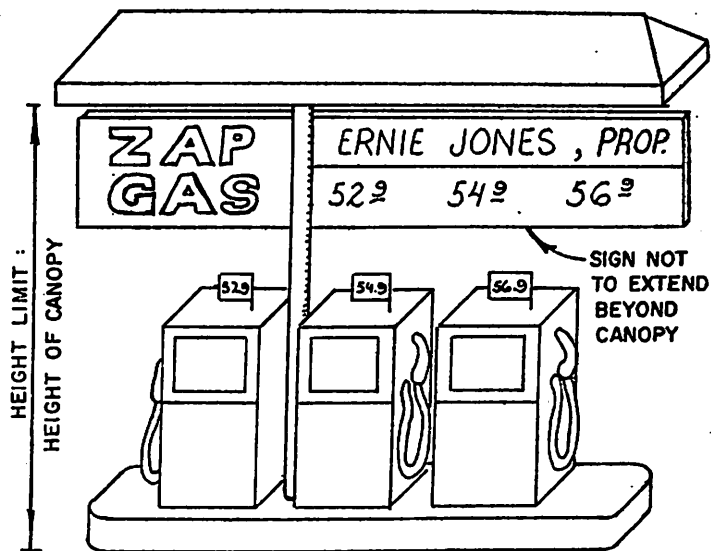
(12) Window signs are permitted.

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

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



SERVICE STATION WITHOUT A CANOPY



SERVICE STATION WITH A CANOPY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective on and after March 1, 1977.

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 27th day of December, 1976, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: Newton, Siefkin

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

ATTEST: Pauline P. Stanley
~~XXXXXXXXXXXX~~ City Clerk
PAULINE P. STANLEY, Acting

(SEAL)

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

Ord. No. 1570-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of January, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: Newton

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 9, 1977

2. The surrounding land uses include a medical-laboratory facility to the west, a convalescent home to the north, a nonconforming food market to the east, together with the amenities of the nearby school and neighborhood park which make the subject property an ideal location for medium density residential development.
3. The R-2 zoning regulations provide building setbacks for two-story structures and requires plot plan approval by the Planning Commission for cluster R-2 development to insure a more compatible style of development with the adjoining R-1 uses.

SECTION 2. ZONING CHANGE. Section 21-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2;

ALL that certain real property situate in a portion of Lot 25 of MENSINGER COLONY as shown on the official map thereof, filed in Volume 4 of Maps, at Page 25, Stanislaus County Records, in a portion of the Northwest quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, the City of Modesto, County of Stanislaus, State of California, described as follows:

BEGINNING at the Northwest corner of said Lot 25, MENSINGER COLONY, said corner being at the intersection of the centerlines of East Orangeburg Avenue and Melrose Avenue; thence South 89° 44' East along said centerline of East Orangeburg Avenue a distance of 330.00 feet to the intersection of said centerline of East Orangeburg Avenue with the centerline of Fiori Avenue; thence South 0° 42' East along said centerline of Fiori Avenue a distance of 200.00 feet; thence North 89° 46' West 165.00 feet; thence South 0° 42' East 76.00 feet; thence North 89° 46' West 165.00 feet to the aforementioned centerline of Melrose Avenue; thence North 0° 42' West along said centerline of Melrose Avenue a distance of 276.00 feet to the point of beginning.

Containing 1.80 Acres

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of January, 1977, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: Elliott, Newton

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Orubbs
Department of Planning and Community
Development

**Ordinance 1571 C.S.
Exhibit A – Map**

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

Ord. No. 1571-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of January, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: Newton

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 9, 1977

SECTION 2. ZONING CHANGE. Section 18-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium High Density Residential Zone, R-3, to Professional Office Zone, P-0:

The South 60 feet of the following:

All that portion of the Southeast quarter of Section 18, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the southeast corner of said Section 18; thence North $0^{\circ} 34'$ West 585.01 feet and North $89^{\circ} 17' 30''$ West 20.00 feet to the West line of Tully Road, 50 feet wide, as shown on the Map of Westwood Manor filed in the Office of the Recorder of Stanislaus County, California on April 28, 1955, in Volume 18 of Maps, at Page 24, and the true point of beginning of this description being the intersection of the North line of Madrone Drive with the West line of Tully Road, as shown on said map; thence North $89^{\circ} 17' 30''$ West, along the North line of said Madrone Drive, 153.00 feet to a point in the East line of said Westwood Manor; thence North $0^{\circ} 34'$ West, along said East line, 132.64 feet to the Northeast corner of said Westwood Manor; thence South $89^{\circ} 17' 30''$ East 153.00 feet to a point in the West line of said Tully Road; thence South $0^{\circ} 34'$ East along said West line 132.64 feet to the true point of beginning.

Including also the Northerly 30 feet of Madrone Avenue and the Westerly 20 feet of Tully Road immediately to the above described property as shown on said map of Westwood Manor.

SECTION 3. ZONING MAP. Section 18-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 1977, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Newton

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William H. Hildebrand
Department of Planning and Community
Development



Ord. No. 1572-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 January, 1977, Councilmember Newton moved its final adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 16, 1977

2. H-1 zoning on the subject property would allow a reasonable highway oriented commercial uses compatible with existing uses to the northwest and a newly constructed motel to the southeast which provides a buffer separating the commercial development from existing and potential residential developments to the east and northeast.

SECTION 2. ZONING CHANGE. Section 19-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium High Density Residential Zone, R-3, to Highway Frontage Zone, H-1:

ALL that certain real property situate in the Northwest Quarter of Section 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

ALL of Parcel "A" as shown on map filed for record in Book 23 of Parcel Maps at Page 14, Stanislaus County Records.

INCLUDING also the 40 feet of West Orangeburg immediately adjacent said Parcel "A".

CONTAINING: 1.837 Acres

SECTION 3. ZONING MAP. Section 19-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 1977, by Councilmember Kullijian; who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: Siefkin

ABSENT: Councilmembers: Newton

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Nichols
Department of Planning and Community
Development



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Ord. No. 1573-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 January, 1977, Councilmember Newton moved its final adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 16, 1977

2. The Neighborhood Zoning and Development Plan shows R-2 density residential development as being suitable for the west side of this collector street, but a dividing line between the R-1 and R-2 zones along the rear of the property lines as proposed by the applicant would be more desirable rather than down the center of Hahn Drive as shown on said plan.

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

Map is hereby amended to reclassify the following described property
from Low Density Residential Zone, R-1,
to Medium Density Residential Zone, R-2 :

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

Beginning at the Southwest corner of Parcel A as shown on the parcel map filed for record in book 2 of Parcel Maps at Page 70, Stanislaus County Records; thence South 0° 49' 45" East along the West line of Parcel B as shown on said parcel map a distance of 1058.24 feet to the Southwest corner of said Parcel B, being a point on the Northerly line of the 100 foot wide Modesto Irrigation District Lateral No. 7 right-of-way; thence North 85° 18' 30" East along the Southerly line of said Parcel B and said Northerly line of Modesto Irrigation District right-of-way a distance of 137.66 feet; thence North 4° 41' 30" West 109.00 feet; thence North 0° 49' 45" West 60.00 feet; thence North 89° 10' 15" East 10.00 feet; thence North 0° 49' 45" West 880.98 feet; thence South 89° 05' 20" West 33.00 feet to the Southeast corner of said Parcel A; thence South 88° 47' West along the South line of said Parcel A a distance of 107.00 feet to the point of beginning.

Including also the northerly 50.00 feet of said Lateral No. 7 right-of-way immediately adjacent to the above described property.

CONTAINING: 3.358 acres net

SECTION 3. ZONING MAP. Section 12-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 1977, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: Newton

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Richards
Department of Planning and Community Development



Ord. No. 1574-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 January, 1977, Councilmember Newton moved its final adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 16, 1977

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

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

All that certain real property situate in a portion of Parcel
 "B", Volume 17 of Parcel Maps, Page 3, Stanislaus County Records,
 located in the Northeast quarter of Section 8, 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:

Parcel 2: R-2 to R-1

Commencing at the intersection of the East line of said Parcel
 "B" with the center line of Union Avenue as shown on said Parcel
 Map; thence North 89°40'25" West along said center line of Union
 Avenue a distance of 250.00 feet; thence North 1°20'40" West
 134.01 feet to the point of beginning; thence continuing North 1°
 20'40" West 1024.12 feet to the North line of Parcel 1, Volume 15
 of Parcel Maps, Page 77, Stanislaus County Records; thence South
 89°45'45" East along said North line of Parcel 1, a distance of
 19.90 feet; thence South 1°20'40" East 977.57 feet; thence South
 22°02'34" West 50.12 feet to the point of beginning.

CONTAINING: 0.46 Acre

SECTION 2. ZONING CHANGE. Section 8-3-9 of the Zoning Map is hereby
 amended to reclassify the following described property from Medium Density Residential
 Zone, R-2, to Planned-Development Zone, P-D(149):

All that certain real property situate in a portion of Parcel
 "B", Volume 17 of Parcel Maps, Page 3, Stanislaus County Records,
 located in the Northeast quarter of Section 8, 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:

Parcel 1: R-2 to P-D

Beginning at the intersection of the East line of said Parcel
 "B" with the center line of Union Avenue as shown in said Parcel
 Map; thence North 89°40'25" West along said center line of Union
 Avenue, a distance of 250.00 feet; thence North 1°20'40" West 134.01
 feet; thence North 22°02'34" East 50.12 feet; thence North 1°20'40"
 West 977.57 feet to the North line of Parcel 1, Volume 15 of Parcel
 Maps, Page 77, Stanislaus County Records; thence South 89°45'45"
 East along said North line of Parcel 1, a distance of 230.09 feet;
 thence South 1°20'40" East 1158.52 feet to the point of beginning.

CONTAINING: 6.19 Acres

SECTION 3. USES. The following uses shall be permitted in said P-D (149) 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) 48 one and two-story single family garden court dwelling units.
- (b) Two covered off-street parking spaces per dwelling unit.

SECTION 4. 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 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 January, 1977, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Siefkin, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmen: None

ABSENT: Councilmen: Newton

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

BY William Nichols
Planning Department



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Ord. No. 1575-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 January, 1977, Councilmember Newton moved its final adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 16, 1977

AN ORDINANCE AMENDING SECTION MAP 10-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED
THEREON. (JOHN PALLIOS)

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

SECTION 1. ZONING CHANGE. Section 10-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D(150):

R-1 to P-D

Beginning at the East quarter corner of said Section 10, said corner being the centerline intersection of Oakdale Road with Sylvan Avenue; thence South $89^{\circ} 26' 00''$ West, along the East-West quarter section line of said Section 10, and the centerline of Sylvan Avenue, a distance of 663.84 feet to a point which is 10.00 feet westerly of the North-South quarter quarter line of said Section 10; thence North $0^{\circ} 53' 25''$ West, parallel with and 10.00 feet westerly measured at right angles from said North-South quarter quarter line, a distance of 730.33 feet; thence North $89^{\circ} 23' 40''$ East, 663.86 feet to a point on the East line of said Section 10; thence South $0^{\circ} 53' 20''$ East, along said East line of Section 10, and the centerline of Oakdale Road, a distance of 730.78 feet to the point of beginning.

Containing 11.133 acres

Commencing at the East quarter corner of said Section 10, said corner being the centerline intersection of Oakdale Road with Sylvan Avenue; thence North $0^{\circ} 53' 20''$ West, along the East line of said Section 10, and the centerline of Oakdale Road, a distance of 730.78 feet to the point of beginning; thence South $89^{\circ} 23' 40''$ West, 341.90 feet; thence North $0^{\circ} 53' 20''$ West, 357.00 feet; thence North $89^{\circ} 23' 40''$ East, 341.90 feet to a point on said East line; thence South $0^{\circ} 53' 20''$ East, along said East line, and the centerline of Oakdale Road, a distance of 357.00 feet to the point of beginning.

Containing: 2.802 acres.

Section 10-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2:

R-1 to R-2

All that certain real property situate in the County of Stanislaus, State of California, being in the Northeast quarter of Section 10, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Commencing at the East quarter corner of said Section 10, said corner being the centerline intersection of Oakdale Road with Sylvan Avenue; thence North $0^{\circ} 53' 20''$ West, along the East line of said Section 10, and the centerline of Oakdale Road, a distance of 730.78 feet; thence South $89^{\circ} 23' 40''$ West, 341.90 feet to the point of beginning; thence continuing South $89^{\circ} 23' 40''$ West, 321.96 feet to a point which is 10.00 feet to a point which is 10.00 feet westerly of the North-South quarter quarter line of

said Section 10; thence North 0° 53' 25" West, parallel with and 10.00 feet westerly, measured at right angles, from said North-South quarter quarter quarter lines a distance of 372.39 feet to a point on a curve from which a radial line bears South 17° 49' 35" West; thence 96.51 feet along said curve concave to the North from said radial line which bears South 17° 49' 35" West through a central angle of 18° 25' 55" having a radius of 300.00 feet; thence North 89° 23' 40" East 227.19 feet; thence South 0° 53' 20" East, 357.00 feet to the point of beginning.

Containing: 2.650 acres

SECTION 2. USES. The following uses shall be permitted in said P-D(150) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

- (1) A neighborhood shopping center with land uses as permitted in the C-1 Zone.
- (2) A professional office complex with land uses as permitted in the P-O Zone.
- (3) Off-street parking areas.

SECTION 3. ZONING MAP. Section Map 10-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January, 1977, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: Newton
ABSENT: Councilmembers: None

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Michael C. Herrera
Department of Planning & Community
Development



Ord. No. 1576-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of January, 19 77, Councilmember Elliott moved its final adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Mensinger, Siefkin,
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Newton

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 23, 1977

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

WHEREAS, the City Council held an adjourned special meeting on April 1, 1976, to discuss the zoning implications of the City's downtown fringe, and

WHEREAS, by motion the Council directed the Planning Commission to initiate proceedings to rezone an area on both sides of Jennie Street from Burney Street east to Dry Creek as follows:

- (a) The north side of Jennie Street from Burney Street east to Morton Boulevard from Neighborhood Commercial Zone, C-1, to Medium-High Density Residential Zone, R-3.
- (b) The south side of Jennie Street from Sydney Street to Morton Boulevard at a varying depth of generally more than half way to Grand Street from Neighborhood Commercial Zone, C-1, and Light Industrial Zone, M-1, to Professional Office Zone, P-O.
- (c) The area from the center line of Jennie Street extended south to Grand Street between Morton Boulevard and Dry Creek from Low Density Residential Zone, R-1, to Professional Office Zone, P-O,

and

WHEREAS, said proposed rezoning referred to above is more specifically shown on the map titled "Jennie-Grand Zoning Study Map, August 17, 1976" which map is on file in the office of the Director of Planning and Community Development of the City of Modesto, and

WHEREAS, the Planning Commission on August 17, 1976, by Resolution No. 76-142, initiated proceedings to rezone the above described area, and set October 26, 1976, at 7:30 p.m. as the date and time for a public hearing, which public hearing was continued on that date to November 16, 1976, at 7:40 p.m., and

WHEREAS, a public hearing was held by the Planning Commission on November 16, 1976, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, by Resolution No. 76-196, adopted on November 16, 1976, the Planning Commission recommended to the Council that rezoning of the properties on the north side of Jennie Street from Burney Street east to Morton Boulevard and on the south side of Jennie Street from Sydney Street east to Morton Boulevard is required by public necessity, convenience and general welfare for the following reasons:

- (a) The proposed rezoning pattern will protect a viable residential area north of Jennie Street from intrusion of commercial development.
- (b) While not creating non-conforming uses, the proposed rezoning pattern will provide for a desired land use intensity transition between residential uses to the north and industrial land to the south,

and

WHEREAS, a public hearing was held by the Council of the City of Modesto on January 17, 1977, on said Planning Commission recommended rezoning, and, after hearing evidence both oral and documentary, the City Council found and determined that the rezoning of the property as recommended by the Planning Commission, should be granted.

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on January 17, 1977, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, 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 for the reasons set forth in Planning Commission Resolution No. 76-196, and quoted above.

SECTION 2. ZONING CHANGE. Sections 28-3-9 and 33-3-9 of the Zoning Map are hereby amended to reclassify the north side of Jennie Street from Burney Street east to Morton Boulevard from Neighborhood Commercial Zone, C-1, to Medium-High Density Residential Zone, R-3, and the south side of Jennie Street from Sydney Street east to Morton Boulevard from Neighborhood Commercial Zone, C-1, and Light Industrial Zone, M-1, to Professional Office Zone, P-O, as shown on the map titled "Jennie-Grand Proposed Rezoning, November 16, 1976", a copy of which map is attached hereto.

SECTION 3. ZONING MAP. Sections 28-3-9 and 33-3-9 of the Zoning Map of the City of Modesto are amended to appear as set forth on the maps attached hereto, which are hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January, 1977, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensingher, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

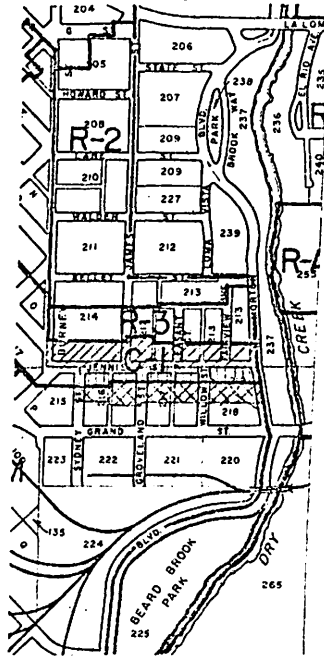
APPROVED AS TO FORM:

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




APPROVED AS TO DESCRIPTION:

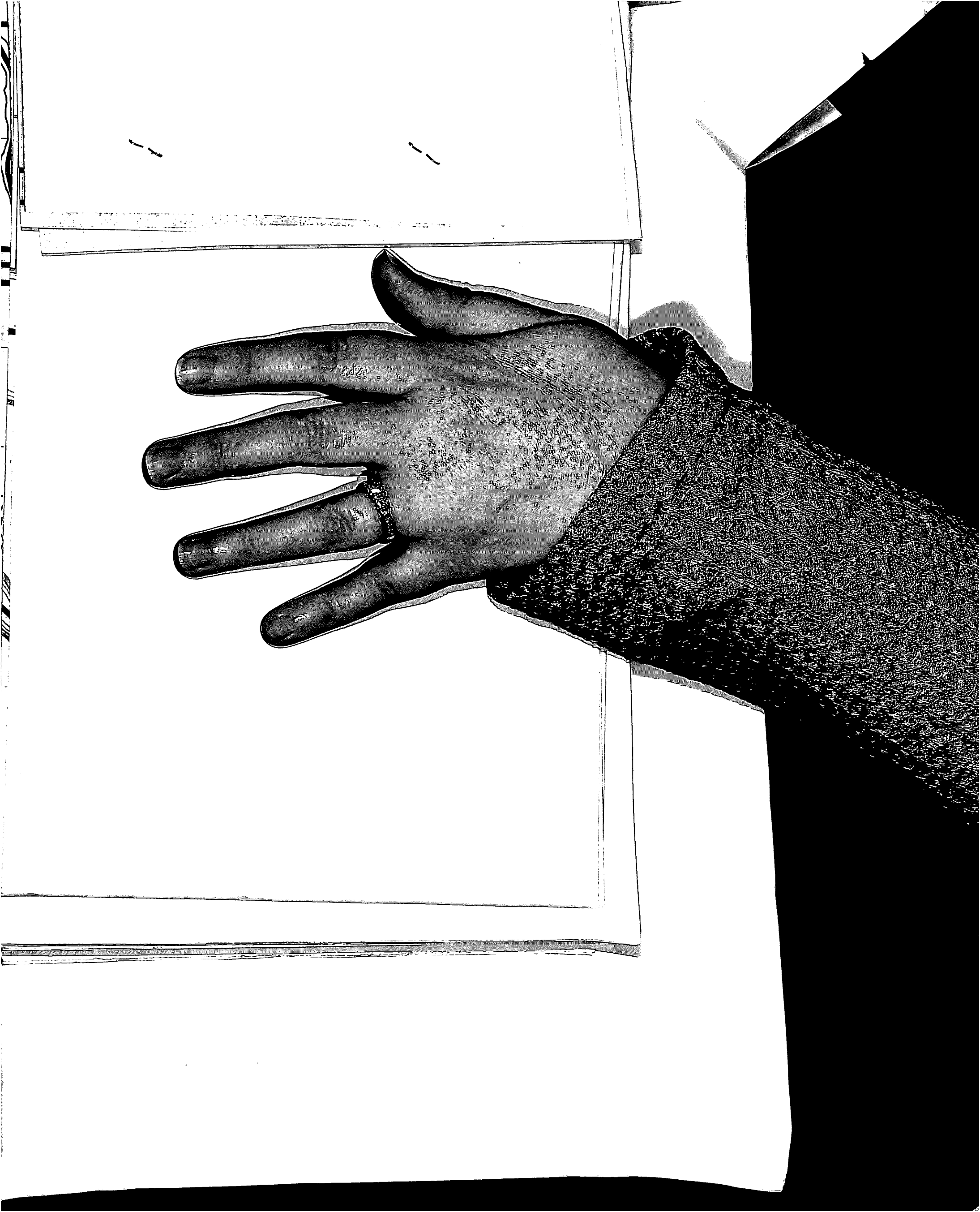
By Michael C. Herrera
Department of Planning and
Community Development

JENNIE-GRAND
 PROPOSED REZONING
 NOV. 16, 1976



LEGEND- AREA OF PROPOSED
 CITY REZONING

-  EXISTING CITY C-1
 REZONE TO R-3
-  EXISTING CITY C-1
 REZONE TO P-O
-  EXISTING CITY M-1
 REZONE TO P-O



Ord. No. 1577-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of January, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Mensinger, Siefkin,
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Newton

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 23, 1977

AN ORDINANCE ADDING SECTION 10-2.3511 TO ARTICLE 35 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, WHICH WAS ADDED BY ORDINANCE NO. 1570-C. S., RELATING TO SIGN REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.3511 is hereby added to Article 35 of Chapter 2 of Title X of the Modesto Municipal Code, which was added by Ordinance No. 1570-C. S. to read as follows:

SEC. 10-2.3511. OUTDOOR ADVERTISING SIGNS. It shall be unlawful for any person to erect, construct, or maintain on any lot or parcel an outdoor advertising sign in violation of the following specific requirements:

(a) In the C-2, C-M, M-1, and M-2 zones, only the following outdoor advertising signs are permitted:

(1) For freestanding tourist-oriented hotels, motels, and restaurants only, directional outdoor advertising signs each not to exceed seventy-two (72) square feet in area and twenty (20') feet in height subject to obtaining a conditional use permit for each sign from the Board of Zoning Adjustment. Said use permit shall be dependent upon two findings:

(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 combined total of all approved directional outdoor advertising signs for a given motel, hotel, or restaurant be deemed necessary for the public welfare and not excessively promote said motel, hotel, or restaurant.

(b) In all other zones, outdoor advertising signs are not permitted.

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective on and after March 1, 1977.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January, 1977, by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Siefkin, Mayor Davies

NOES: Councilmembers: Kullijian

ABSENT: Councilmembers: Mensinger, Newton

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

ATTEST: *Norrine Coyne*
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1578-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of January, 1977, Councilmember Elliott moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger, Newton

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 23, 1977

AN ORDINANCE REPEALING 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. REPEALS. Chapter 6 of Title IX of the Modesto Municipal Code is hereby repealed.

SECTION 2. 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.

No abatement action, citation, complaint, or other proceeding to enforce the provisions of the hereinabove repealed provisions of the Municipal Code, whether pending or subject to being instituted, shall be affected by the repeal thereof by this ordinance, nor shall any non-conforming sign which does not conform with said provisions or violation thereof be validated by the repeal of said provisions by this ordinance, except to the extent that said non-conforming sign or violation is made lawful by the provisions of Article 35 of Chapter 2 of Title X of the Modesto Municipal Code which become effective on March 1, 1977, or as said Chapter 35 may thereafter be amended.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after March 1, 1977.

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 17th day of January, 1977, by Council-member Dunlap, who moved its introduction and passage to print, which

motion being duly seconded by Councilmember Stefkin, was upon roll call carried

and ordered printed and published by the following vote:

Kullijian

AYES: Councilmembers: **Dunlap, Elliott/Siefkin, Mayor Davies**

NOES: Councilmembers:

ABSENT: Councilmembers: **Mensing, Newton**

APPROVED:

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

Ord. No. 1579-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of January, 1977, Councilmember Elliott moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger, Newton

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 23, 1977

ORDINANCE NO. 1580 -C. S.

AN ORDINANCE AMENDING SECTIONS 10-2.231, 10-2.259, 10-2.401, 10-2.507, 10-2.602, 10-2.702, 10-2.801, 10-2.901, 10-2.3102 AND 10-2.3202 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE; ADDING SECTIONS 10-2.401.1, 10-2.502.1, 10-2.602.1, 10-2.702.1, 10-2.801.1, 10-2.901.1, 10-2.1001.1, 10-2.1101.1, 10-2.1201.1, 10-2.2801.1, 10-2.2903.3, 10-2.3002.3 AND 10-2.3202.1 THERETO; AND REPEALING SECTIONS 10-2.807, 10-2.907, 10-2.1007, 10-2.1107, 10-2.1208, 10-2.1504, 10-2.1709, 10-2.1709.1, 10-2.2807, 10-2.2906 AND 10-2.3011 THEREOF RELATING TO THE ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 10-2.231, 10-2.259, 10-2.401, 10-2.502, 10-2.602, 10-2.702, 10-2.801, 10-2.901, 10-2.3102, and 10-2.3202 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.231. HOME OCCUPATION. Any occupation, conducted entirely within a dwelling unit and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof and in connection with which there is no display or stock in trade or commodities sold except those which are produced on the premises, and no use of any accessory building or yard space or activity outside of the main building not normally associated with residential use. The home occupation shall not generate vehicular traffic not normally associated with residential use. The home occupation shall not involve the use of more than one room in the dwelling or the equivalent of twenty (20) per cent of the floor space of the main floor, whichever is the greater, nor shall it involve the use of power-driven equipment using motors of more than one-half (1/2) horsepower capacity. No commercial telephone directory listing, newspaper, radio, or television service shall be used to advertise such home occupation to the general public and no sign except one (1) wall-mounted unlighted name plate not more than one (1) square foot in area announcing the name and home occupation shall be permitted. No home occupation shall create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference or other causes. Notwithstanding the limitations outlined above, any person who is severely impaired or handicapped as defined in Section 12304 of the State Welfare and Institutions Code may be allowed the following, provided a home occupation is otherwise approved:

- (a) Employment of a maximum of two (2) persons who do not reside in the dwelling unit.
- (b) Use of more than one room in the dwelling.
- (c) Listing in the commercial telephone directory.
- (d) Use of newspaper advertising.

SEC. 10-2.259. SIGN. "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:

- (a) Official notices authorized by a court, public body or public officer.
- (b) Directional, warning or informational signs authorized by federal, state or municipal authority or public utility.
- (c) A properly displayed official flag of a government, school, religious group or nonprofit organization.
- (d) A memorial plaque, tablet or cornerstone indicating the name of a building and date of construction, when cut or carved into any masonry surface or when made of bronze or other incombustible material and made an integral part of the building or structure, not exceeding four (4) square feet in area.
- (e) Signs within a building except window or wall signs as defined in Section 10-2.3502 of this chapter.

The definitions of particular types of signs as set forth in Section 10-2.3502 of this chapter are incorporated herein by reference.

SEC. 10-2.401. PERMITTED USES. In an R-A zone only the following uses are permitted as are hereinafter specifically provided and allowed:

- (a) Any use permitted in the R-1, one-family zone.
- (b) Additional housing for hired agricultural workers on sites containing ten (10) acres or more provided that such housing is not located within any required yard space.
- (c) On lots of one acre or more, stands for the display or sale of agricultural products raised on the premises.
- (d) Agricultural crops.
- (e) Greenhouses, fruit trees, vines and nurseries for producing trees, vines and other horticultural stock, but not including offices or sales floor space.
- (f) Storage of petroleum products for use on the premises, but not for resale.
- (g) The following fowl and animals under the following conditions:
 - (1) Poultry (except turkeys and geese), chinchillas, hamsters, rabbits and other small animals raised for food, scientific or fur bearing purposes, for family or commercial use; and household pets subject to the provisions of Section 10-2.233.
 - (2) Bovine animals and horses on sites of not less than one acre, provided that such domestic animals shall not exceed a number per acre equal to two (2) adult animals of any one kind or combination thereof.

(3) The keeping of all domestic animals provided for in this article shall conform to all other provisions of law governing same. No fowl or animals (except household pets), or any pen or coop (except those used for household pets), stable or barn shall be kept or maintained within forty (40') feet of any window or door of any residence, dwelling or other building used for human habitation, nor within forty (40') feet of any portion of a required yard space located on adjoining property if such adjoining property is devoted to a use other than agriculture.

(4) The slaughtering, dressing and marketing of any fowl or animals shall be limited to those raised on the premises.

(h) A mailing address for commercial and business license purposes for a person residing on the premises may be maintained provided no stock in-trade, supplies, professional equipment, apparatus or business equipment are permitted on the premises, and no employees or assistants may be employed for services on the premises, except in connection with uses specifically listed as permissible in this article.

(i) Accessory buildings and structures under the following conditions:

(1) Private garage to accommodate not more than four (4) cars.

(2) Additional garage and implement shelter may be erected on lot containing ten (10) acres or more.

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

(i) 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.

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

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

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

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

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.

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.

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) Sporting goods.
- (68) Storm drainage basins and related facilities.
- (69) Tailor and seamstress shop, including pressing.
- (70) Taxi stand.
- (71) Toy Shop.
- (72) Upholstery material store.
- (73) Variety store.
- (74) 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. 10-2.901. PERMITTED USES. In a C-2 zone only the following uses are permitted:

(a) Primary uses:

(1) Any use permitted in the C-1 (Neighborhood Commercial) zone.

(2) Amusement and recreation services.

(3) Antique store.

(4) Appliance sales, household.

(5) Armored car service.

(6) Automobile or trailer rental.

(7) Automobile repair, excluding painting, upholstering, and body and fender work, except that which is incidental to general repair.

(8) Bus terminal.

(9) Carnival.

(10) Circus.

(11) Coin operated machine rental service.

(12) Department store; mail order house.

(13) Detective and watching agency.

(14) Drinking place.

- (15) Eating place.
- (16) Electrical supply store.
- (17) Employment agency.
- (18) Express office.
- (19) Farm and garden supply store.
- (20) Farm machinery sales, storage, repair and rental conducted wholly within an entirely enclosed building.
- (21) Floor covering sales.
- (22) Funeral service.
- (23) Furniture.
- (24) Furrier and fur shop, including repair and storage.
- (25) Hardware store.
- (26) Heating and plumbing equipment dealer.
- (27) Hobby shop.
- (28) Hospital supply.
- (29) House equipment display.
- (30) Ice dealer.
- (31) Insulation sales.
- (32) Leather goods, repair.
- (33) Mobile home dealer, including travel trailers, campers and camp cars.
- (34) Motion picture distributor.
- (35) Motion picture theatre, indoor.
- (36) Motor vehicle dealer, new and used cars.
- (37) News syndicate.
- (38) Nonprofit educational and scientific research agency.
- (39) Nonprofit membership organization, except a church.
- (40) Orthopedic and artificial limb store.
- (41) Parts dealer, airplane, automobile, motorboat, motorcycle and trailer.
- (42) Printing shop.
- (43) Private museum or art gallery.
- (44) Public address system business.
- (45) Radio or television broadcasting studio.
- (46) Research agency, commercial and testing laboratory.
- (47) Roofing sales.

(48) Secondhand store.

(49) Sign painting shop.

(50) Taxicab central office, cab maintenance, storage and repair, excluding painting, upholstering and body and fender work, except that which is incidental to general repair.

(51) Taxidermist shop.

(52) Tire, battery and accessory dealer, not including tire recapping and vulcanizing.

(53) Travel bureau.

(54) Upholstery and furniture repair.

(55) Vocational school.

(56) Weather stripping sales.

(b) The following uses subject to the granting of a conditional use permit by the Board of Zoning Adjustment:

(1) Car laundry.

(2) Family amusement machine center.

(3) Kennel.

(4) Massage and bath establishments and schools of massage.

(5) Small animal hospital.

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

(d) Processing, packaging, treating, storing or manufacturing of products to be sold at retail on the premises or to be sold wholesale, subject to the provisions and limitations of Section 10-2.902.

SEC. 10-2.3102. PERMITTED USES. In an F zone wherein all areas have, after investigation, been declared by the Council as unfit for human habitation by reason of topography, elevation and other physical factors contributing to the hazard of flood and inundation, no building shall be erected, reconstructed or structurally altered nor shall any building be used for any purpose except as herein-after provided and allowed by this article. The F zone is hereby declared to be a flood zone that shall be superimposed over the normal zoning existing or hereafter created.

The properties indicated by the superimposed F zone shall be limited to the following uses only, regardless of the basic zoning classification:

(a) Agricultural uses.

(b) Other uses not involving buildings designed or occupied for living purposes, public assembly or both, or for the manufacture or storage of products and materials except those incidental and necessary to the permitted uses, unless such properties comply with the following additional requirements over and above those set forth in the articles governing the basic zoning classification.

(1) Foundation walls, footings and types of construction shall be such as will prevent damage to the structure during flood conditions.

(2) The floor level of the main floor of any dwelling in the various areas enumerated as Flood Plain zones shall not be lower than the elevation designated as being the part below which such areas are subject to flood as designated herein.

This section does not permit the excavation or quarrying of any rock, sand, gravel or other material in any of the F zone areas declared as hazardous for such use, nor does it permit any operation which will, by its nature or structure or materials used in connection therewith, impede or tend to impede, retard or change the direction of the flow of water in any river, stream, wash or arroyo, or that will catch or collect debris carried by water flowing in such areas, unless such areas are so used in conformity with any rules and regulations established by the Council.

SEC. 10-2. 3202. PERMITTED USES. In the A-R zone only the following uses are permitted as are hereinafter specifically provided and allowed:

(a) Agricultural crops.

(b) Greenhouses, fruit trees, vines and nurseries for producing trees, vines and horticultural stock, but not including offices or sales floor space.

(c) Storage of petroleum products for use on the premises, but not for resale.

(d) Additional housing for hired agricultural workers.

(e) Stands for the display or sale of agricultural products raised on the premises.

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

(1) Poultry (except turkeys and geese), chinchillas, hamsters, rabbits and other small animals raised for food, scientific or fur bearing purposes, for family or commercial use; and household pets subject to the provisions of Section 10-2. 233.

(2) Bovine animals and horses on sites of not less than one acre, provided that such domestic animals shall not exceed a number per acre equal to two (2) adult animals of any one kind or combination thereof.

(3) The keeping of all domestic animals provided for in this article shall conform to all other provisions of law governing same. No fowl or animals (except those used for household pets), stable or barn shall be kept or maintained within forty (40') feet of any window or door of any residence, dwelling or other building used for human habitation, nor within forty (40') feet of any portion of required yard space located on adjoining property, if such adjoining property is devoted to a use other than agriculture.

(g) Any use permitted in the R-A, Residential-Agricultural Zone.

(h) Accessory buildings and appurtenances incidental to farming.

(i) 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) Alfalfa and feed dehydrators, commercial pea and bean viners, nut hulling and drying and similar agricultural processes.

(2) Boarding stables, bridle paths, riding academies, roping arenas and summer recreational camps without permanent housing, but only when the parcel under one ownership is at least ten (10) acres.

(3) Cemeteries, churches, cold storage rental lockers, community centers, crop dusting service, day nurseries, farm labor camps, gun clubs, hunting clubs, lodges, museums and private air strips.

(4) Commercial excavation of earth, minerals, building materials or removal of oil or gas, together with the necessary apparatus and appurtenances incidental thereto.

(5) Public parks operated by public agencies, country clubs, and golf courses illuminated or not but excluding miniature golf courses and driving ranges.

(6) Boat liveries, boat launching and rental facilities, summer camps and picnic grounds where the parcel of land in one ownership exceeds ten (10) acres.

SECTION 2. AMENDMENT OF CODE. Sections 10-2.401.1, 10-2.502.1, 10-2.602.1, 10-2.702.1, 10-2.801.1, 10-2.901.1, 10-2.1001.1, 10-2.1101.1, 10-2.1201.1, 10-2.2801.1, 10-2.2903.3, 10-2.3002.3 and 10-2.3202.1 are hereby added to Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.401.1. SIGNS. Signs are permitted in the R-A Zone subject to the provisions of Article 35 of this chapter.

SEC. 10-2,502.1. SIGNS. Signs are permitted in the R-1 Zone subject to the provisions of Article 35 of this chapter.

SEC. 10-2.602.1. SIGNS. Signs are permitted in the R-2 Zone subject to the provisions of Article 35 of this chapter.

SEC. 10-2.702.1. SIGNS. Signs are permitted in the R-3 Zone subject to the provisions of Article 35 of this chapter.

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

SEC. 10-2.901.1. SIGNS. Signs are permitted in the C-2 Zone subject to the provisions of Article 35 of this chapter.

SEC. 10-2.1001.1. SIGNS. Signs are permitted in the C-M Zone subject to the provisions of Article 35 of this chapter.

SEC. 10-2.1101.1. SIGNS. Signs are permitted in the M-1 Zone subject to the provisions of Article 35 of this chapter.

SEC. 10-2.1201.1. SIGNS. Signs are permitted in the M-2 Zone subject to the provisions of Article 35 of this chapter.

SEC. 10-2.2801.1. SIGNS. Signs are permitted in the M-P Zone subject to the provisions of Article 35 of this chapter.

SEC. 10-2.2903.3. SIGNS. Signs are permitted in the H-1 zone subject to the provisions of Article 35 of this chapter.

SEC. 10-2.3002.3. SIGNS. Signs are permitted in the P-O Zone subject to the provisions of Article 35 of this chapter.

SEC. 10-2.3202.1. SIGNS. Signs are permitted in the A-R Zone subject to the provisions of Article 35 of this chapter.

SECTION 3. REPEALS. Sections 10-2.807, 10-2.907, 10-2.1007, 10-2.1107, 10-2.1208, 10-2.1504, 10-2.1709, 10-2.1709.1, 10-2.2807, 10-2.2906 and 10-2.3011 of Chapter 2 of Title X of the Modesto Municipal Code are hereby repealed.

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.

No abatement action, citation, complaint, or other proceeding to enforce the provisions of the hereinabove repealed provisions of the Municipal Code, whether pending or subject to being instituted, shall be affected by the repeal thereof by this ordinance, nor shall any non-conforming sign which does not conform with said provisions or violation thereof be validated by the repeal of said provisions by this ordinance, except to the extent that said non-conforming sign or violation is made lawful by the provisions of Article 35 of Chapter 2 of Title X of the Modesto Municipal Code which become effective on March 1, 1977, or as said Chapter 35 may thereafter be amended.

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective on and after March 1, 1977.

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 17th day of January, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: **Dunlap, Elliott, Kullijian, Siefkin, Mayor Davies**

NOES: Councilmembers: **None**

ABSENT: Councilmembers: **Mensingher, Newton**

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

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1580-C.S.

FINAL ADOPTION CLAUSE


The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of January, 1977, Councilmember Elliott moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger, Newton

APPROVED 
LEE H. DAVIES, Mayor

ATTEST: 
NORRINE COYLE City Clerk

EFFECTIVE DATE: February 23, 1977

AN ORDINANCE AMENDING SECTION 6-6.01 OF CHAPTER 6 OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO TRANSIENT PHOTOGRAPHERS.

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

SECTION 1. AMENDMENT OF CODE. Section 6-6.01 of Chapter 6 of Title VI of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 6-6.01. PERMIT REQUIRED. Every person who operates, conducts, carries on or manages the business of selling or peddling tickets, checks or coupons to be used in payment or part payment for picture frames, pictures, portraits, photographs, or the enlarging or retouching of the same or who engages in the taking of photographs and who does not maintain a fixed place of business within said City as defined in Section 6-1.101 of this Code, and every person employed by such person to solicit such business shall first secure a permit from the Chief of Police and a license therefor from the tax collector and shall post a bond as hereinafter required.

Such a permit shall not be required of any person who is an established resident of the City of Modesto, who has an outside business license pursuant to Section 6-1.207, and who engages in a photography business which does not involve soliciting by telephone or otherwise in residential areas, or selling, or peddling tickets, checks, coupons, or other representations of value for the purchase of photographic goods or services. The applicant shall furnish proof of established residency with the application.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January, 1977, by Councilmember Newton, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Lee H. Davies

LEE H. DAVIES, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1581-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of February, 1977, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Newton, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmembers: Kullijian, Mensinger, Newton, Siefkin, Vice Mayor Elliott
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Dunlap, Mayor Davies

APPROVED Robert T. Elliott
~~XXXXXXXXXXXXXXXXXXXX~~
ROBERT T. ELLIOTT, VICE MAYOR

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 9, 1977

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN
AS THE MC HENRY-SYLVAN NO. 2 ADDITION TO
THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by G. L. Pinkston, Gerald Walker, Richard D. Walker, E. E. Belyeu, Iva V. Belyeu, Pete Binda, Irva Joy Binda, Darlene E. Pearson, R. W. Pearson, Annabel Sutherland, Odell V. Brawley, and A. Francie Brawley

on November 4, 19 76, 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

McHenry-Sylvan No. 2 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 13th day of December, 19 76, set said petition for hearing at the hour of 7:30 o'clock P.M. on the 24th day of January, 19 77, 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 December 17, 1976, and on December 24, 1976; and in The Ceres Courier, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on December 22, 1976, and on December 29, 1976, 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 August 20, 19 76, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 24th day of January, 19 77, 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,

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 McHenry Sylvan No. 2 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 24th day of January, 19 77, by Councilmember Elliott, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Newton

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

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Alfred J. ...
Public Works Department
EAH

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 9, 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 Southeastern corner of McHENRY-STANDIFORD ADDITION (316), as per map filed March 6, 1974, as Instrument 34748, Stanislaus County Records, and the Northeastern corner of STANDIFORD ADDITION (264), as per description filed November 3, 1970, as Instrument 36118, Stanislaus County Records, said point being the intersection of the West line of Section 9 with the East-West quarter section line of Section 9, said point also being the intersection of the center line of 110.00 foot McHenry Avenue with the center line of 40.00 foot Sylvan Avenue:

1. thence along the existing City Limits on the boundary of said ADDITION (264) and said center line of 110.00 foot McHenry Avenue, said center line being the West line of Section 9, South $00^{\circ} 45' 50''$ East, 448.44 feet, to the Northeastern corner of McHENRY-WOODROW ADDITION (329), as per description filed April 11, 1975, as Instrument 39204, Stanislaus County Records;
2. thence along the Eastern line of said ADDITION (329) and continuing along said center line of 110.00 foot McHenry Avenue, South $00^{\circ} 45' 50''$ East, 877.01 feet, to a Northwestern corner of McHENRY ADDITION (241), as per map filed October 9, 1969, as Instrument 33951, Stanislaus County Records, said point being the intersection of the center lines of 110.00 foot McHenry Avenue and 60.00 foot Robin Hood Drive;
3. thence along a Northern line of said ADDITION (241) and the center line of said 60.00 foot Robin Hood Drive, South $89^{\circ} 18' 20''$ East, 61.11 feet, to a point on a tangent curve;
4. thence along said tangent curve concave to the Southwest, having a Radius of 670.00 feet, a Central Angle of $11^{\circ} 05' 35''$, and an Arc Length of 129.72 feet;
5. thence leaving the existing City Limits and continuing along said tangent curve concave to the Southwest, having a Radius of 670.00 feet, a Central Angle of $02^{\circ} 00' 05''$, and an Arc Length of 23.40 feet, to a point on said curve from which a radial line bears North $13^{\circ} 47' 20''$ East;
6. thence along the radial line of said tangent curve, North $13^{\circ} 47' 20''$ East, 30.00 feet, to the Northern line of 60.00 foot Robin Hood Drive;
7. thence North $00^{\circ} 45' 50''$ West, 186.11 feet;
8. thence South $89^{\circ} 18' 20''$ East, 155.00 feet;
9. thence North $00^{\circ} 41' 30''$ West, 132.00 feet;
10. thence South $89^{\circ} 18' 20''$ East, 25.00 feet;
11. thence North $00^{\circ} 45' 50''$ West, 132.50 feet, to a Northwestern corner of Sylvan Glen, as per map filed August 4, 1968, in Volume 20 of Maps, Page 81, Stanislaus County Records;
12. thence North $89^{\circ} 07' 50''$ East, 259.82 feet, to the Northeastern corner of said Sylvan Glen Subdivision, which is on the Western line of Robin Hood Estates as per map filed May 31, 1962 in Volume 20 of Maps, Page 15, Stanislaus County Records;
13. thence along said Western line, North $00^{\circ} 45' 50''$ West, 854.45 feet, to a point on the existing City Limits, said point being on the Southern line of McHENRY - SYLVAN ADDITION (276), as per description filed October 15, 1971, as Instrument 39501, Stanislaus County Records;
14. thence along the existing City Limits on said Southern line, said Southern line being the center line of 40.00 foot Sylvan Avenue and the East-West quarter section line of Section 9, North $89^{\circ} 10' 35''$ West, 660.11 feet, to the point of beginning, containing 16.414 Acres, more or less.

AN ORDINANCE AMENDING SECTION MAP 16-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-
FYING CERTAIN PROPERTY LOCATED THEREON. (RULE
DEVELOPMENT, NORTHWEST COFFEE AND NORWEGIAN)

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

SECTION 1. ZONING CHANGE. Section 16-3-9 of the
Zoning Map is hereby amended to reclassify the following-described
property from Professional Office Zone, P-O,
to Planned-Development Zone, P-D (152):

All of Lot 6 in Block 12909 of Wainwright Village as shown
on the map recorded June 17, 1971, in Volume 23 of Maps,
at Page 28 in the Stanislaus County Records.

Including also the Northerly 30.00 feet of Norwegian Avenue
and the Westerly 45.00 feet of Coffee Road all immediately
adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(152) 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. Offices permitted in the P-O Zone.
- b. A parking area.

SECTION 3. ZONING MAP. Section Map 16-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 1977, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Kullijian, Mensinger, Newton, Siefkin,
Vice Mayor Elliott

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap, Mayor Davies

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Alvin Nichols
Department of Planning and
Community Development

PLATE 1



Ord. No. 1583-C.S.

FINAL ADOPTION CLAUSE

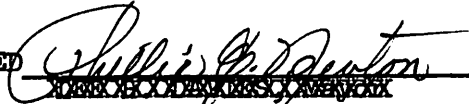
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14th day of February, 1977, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Kullijian, Mensinger, Siefkin,
Newton

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap, Elliott, Mayor Davies

APPROVED

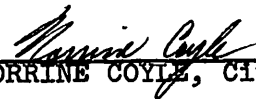


~~PHILLIP E. NEWTON, Mayor~~

PHILLIP E. NEWTON,

Mayor pro tem

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 16, 1977

AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (U. S. BY-PRODUCTS, INC.)

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

SECTION 1. ZONING CHANGE. Section 15-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D(153):

All that certain real property situate in the Northeast quarter of Section 15, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Commencing at the Southwest corner of the North half of said Northeast Quarter of Section 15, said corner being the intersection of the centerlines of Rose Avenue and Floyd Avenue; thence North 0°57'25" West along the West line of said Northeast Quarter of Section 15 and the centerline of Rose Avenue a distance of 130.01 feet; thence North 89°38'35" East parallel with and 130.00 feet from said centerline of Floyd Avenue, a distance of 960.27 feet to the point of beginning of this description; thence continuing North 89°38'35" East 677.73 feet; thence South 0°57'25" East 130.01 feet; thence South 89°38'35" West along the South line of said North half of the Northeast quarter of Section 15 and said centerline of Floyd Avenue, a distance of 679.09 feet; thence North 0°21'25" West 130.00 feet to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(153) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. Medium density residential development as allowed in the R-2 Zone.
2. Off-street parking areas in accordance with Article 18 of the Municipal Code and so designed for all cars to enter Floyd Avenue in a forward manner.

SECTION 3. ZONING MAP. Section Map 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 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 7th day of February, 1977, by Councilmember Mensingher, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Newtib, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Kullijian, Mensinger, Newton, Siefkin,
Vice Mayor Elliott

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap, Mayor Davies

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

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Smith
Department of Planning and
Community Development

SNYDER



Ord. No. 1584-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14th day of February, 1977, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmembers: Kullijian, Mensinger, Siefkin,
Vice Mayor Newton
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Dunlap, Elliott, Mayor Davies

APPROVED *Phillip E. Newton*
~~XXXXXXXXXXXXXXXXXXXX~~
 PHILLIP E. NEWTON, Mayor pro tem

ATTEST: *Norrine Coyle*
 NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 16, 1977

AN ORDINANCE AMENDING SECTIONS 6-3.09 AND 6-3.11 OF CHAPTER 3 OF TITLE VI OF THE MODESTO MUNICIPAL CODE AND REPEALING SECTION 6-3.10 RELATING TO BUSINESS IMPROVEMENT AREA A OF THE CITY OF MODESTO.

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

SECTION 1. AUTHORITY. The proceedings herein taken are taken pursuant to the authority of the "Parking and Business Improvement Area Law of 1965", being Section 36000 et seq. of the Streets and Highways Code of the State of California.

SECTION 2. RESOLUTION OF INTENTION. This ordinance is adopted pursuant to that certain Resolution of Intention adopted by this City Council on the 24th day of January, 1977, being Resolution No. 77-84, and entitled "A Resolution Of The Council Of The City of Modesto Declaring Its Intention To Amend Sections 6-3.09 and 6-3.11 of Chapter 3 of Title VI of the Modesto Municipal Code and Repeal Section 6-3.10 Thereof Regarding Business Improvement Area A Of The City Of Modesto, Fixing The Time And Place For Hearing And Giving Notice Thereof", which Resolution of Intention was adopted by the City Council and proceedings thereunder taken pursuant to the authority of the "Parking and Business Improvement Area Law of 1965".

SECTION 3. NOTICE AND HEARING. Said Resolution No. 77-84 was published and mailed as provided by law, and a hearing thereon was held by the City Council on February 7, 1977, at the hour of 4:20 o'clock P.M. in the Council Chambers of the City Council of said City of Modesto, in the City Hall, 801 - 11th Street, Modesto, California.

SECTION 4. AMENDMENT OF CODE. Sections 6-3.09 and 6-3.11 of Chapter 3 of Title VI of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 6-3.09. PROPOSED USES. The uses to which the proceeds from the additional tax revenue realized from the additional levy of license tax imposed by this chapter shall be put are:

- (a) Decoration of any public place in the "Area".
- (b) Promotion of public events which are to take place on or in public places in the "Area".
- (c) Furnishing of music in any public place in the "Area".
- (d) The general promotion of retail trade activities in the "Area".
- (e) The acquisition, construction or maintenance of parking facilities for the benefit of the "Area".

SEC. 6-3.11. ADVISORY BOARD. For the purpose of advising the Council and making recommendations as to how the revenue derived from the additional levy of license tax imposed by this chapter shall be used within the scope of the purposes set forth in Section 6-3.09 of this chapter, and to have and perform such other powers and duties as the Council may determine, there is hereby created an advisory board consisting of nine (9) members to be appointed by the Mayor with the concurrence of the Council, said members to be persons who have businesses within the "Area", and pay an additional levy of license tax as provided for by this chapter.

SECTION 5. REPEALS. Section 6-3.10 of Chapter 3 of Title VI of the Modesto Municipal Code is hereby repealed.

SECTION 6. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation on and after April 1, 1977.

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 7th day of February, 1977, by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Kullijian, Newton, Siefkin, Vice Mayor Elliott

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap, Mensinger, Mayor Davies

APPROVED: Robert T. Elliott
ROBERT T. ELLIOTT, Vice Mayor

(SEAL)

APPROVED AS TO FORM:

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Ord. No. 1585-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1977, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Siefkin, Newton,
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap, Mensinger

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 1, 1977

AN ORDINANCE AMENDING SECTIONS 10-2.801, 10-2.804, 10-2.904, 10-2.1004, 10-2.1104, 10-2.1205, 10-2.1801, AND 10-2.2903.1 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. Sections 10-2.801, 10-2.804, 10-2.904, 10-2.1004, 10-2.1104, 10-2.1205, 10-2.1801 and 10-2.2903.1 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

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, parking garage.
- (58) Parts dealer; airplane, automobile, motorboat, motorcycle, and trailer; sales only, no service, repair, rebuilding or installation.
- (59) Pet store.
- (60) Photographic studio, film processing.
- (61) Pumpkin sales.
- (62) Radio and television sales and repair.
- (63) Record sales.
- (64) Repair shops, such as: bicycle, camera, fountain pen, lawn mower sharpening, knife and tool, musical instrument, saw sharpening, key duplication, and handyman repair service.
- (65) Schools, such as music, art, dramatics, language, children's dancing, correspondence.
- (66) Service station.
- (67) Shoe repair shop, shoe shine parlör, shoe sales.
- (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. 10-2.804. FRONT YARD. Every lot in a C-1 zone shall maintain a front yard of not less than ten (10') feet in depth unless said lot is adjacent to an alley not less than twenty (20') feet in width.

SEC. 10-2.904. FRONT YARD. Every lot in a C-2 zone shall maintain a front yard of not less than ten (10') feet in depth unless said lot is adjacent to an alley not less than twenty (20') feet in width.

SEC. 10-2.1004. FRONT YARD. Every lot in a C-M zone shall maintain a front yard of not less than ten (10') feet in depth unless said lot is adjacent to an alley not less than twenty (20') feet in width. When property classified as C-M comprises part of the frontage and part of the remaining frontage is classified for "P-O" or "R" purposes the front yard in such C-M zone shall conform to the front yard required in the R-3 zone. When a front yard has been so provided, if the "P-O" or "R" property constituting part or all of the remaining frontage is rezoned, a front yard equal to that which has been so provided for the C-M property shall be required for property so rezoned. No building or structure shall be permitted in such yard.

SEC. 10-2.1104. FRONT YARD. Every lot in an M-1 zone shall maintain a front yard of not less than ten (10') feet in depth unless said lot is adjacent to an alley not less than twenty (20') feet in width. When property classified as M-1 comprises part of the frontage and part of the remaining frontage is classified for "R" purposes, or when such lot fronts upon a street, the opposite side of which is classified for "R" purposes, the front yard in such M-1 zone shall conform to the front yard required in the R-3 zone. When a front yard has been so provided, if the "R" property constituting part or all of the remaining frontage is rezoned, a front yard equal to that which has been so provided for the M-1 property shall be required for property so rezoned. No building or structure shall be permitted in such yard.

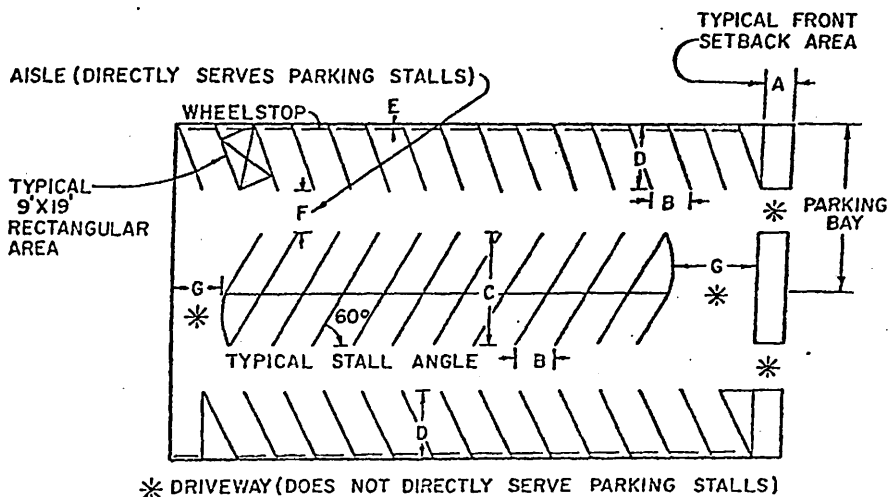
SEC. 10-2.1205. FRONT YARD. Every lot in an M-2 zone shall maintain a front yard of not less than ten (10') feet in depth unless said lot is adjacent to an alley not less than twenty (20') feet in depth. When property classified as M-2 comprises part of the frontage on one side of a street between intersecting streets and the remainder of the frontage in the same block is classified for "P-O" or "R" purposes, the front yard in such M-2 zone shall conform to the front yard required in the R-3 zone.

SEC. 10-2.1801. DESIGN REQUIREMENTS. Every lot or parcel used as a public or private parking area shall be developed in accordance with the following general requirements.

(a) Size and Access: Each parking space shall contain a rectangle with a minimum width of nine (9') feet and a minimum length of nineteen (19') feet. When the required parking space for a one or two family structure is not provided in a covered garage, such space shall contain a rectangle with a minimum width of ten (10') feet and a minimum length of twenty (20') feet and located so that it may later be covered by a garage structure in accordance with the provisions of this chapter.

The following typical parking area diagram and parking stall and aisle dimension table shall determine the minimum requirements for a parking area plan:

TYPICAL PARKING AREA DIAGRAM
REQUIRED LANDSCAPING NOT SHOWN



PARKING STALL AND AISLE DIMENSION TABLE

	Parking Angle to Aisle						
	45°	50°	55°	60°	70°	80°	90°
Stall Width	B 12.7'	11.8'	11.0'	10.4'	9.6'	9.1'	9.0'
Stall Depth	D 19.8'	20.3'	20.7'	21.0'	20.9'	20.3'	19.0'
Stall Depth	C 33.2'	34.8'	36.3'	37.5'	38.7'	39.0'	38.0'
Aisle Width	F 8.8'	9.4'	11.6'	15.0'	18.2'	22.4'	27.0'
Bay Width (D, F, D)							
one way aisle	48.4'	50.0'	53.0'	57.0'	60.0'	63.0'	65.0'
two way aisle	59.6'	60.6'	61.4'	62.0'	61.8'	63.0'	65.0'

For any given parking angle between 45° and 90° not specifically listed in the above table, use a table angle nearest the given angle.

Any parking plan showing parking stalls at an angle less than 45° to the driveway or any other plan for which the above table is not applicable, must be approved by the Director of Planning and Community Development and the Director of Parking and Traffic.

The minimum aisle width (F) at any parking stall angle less than 45° including parallel stalls, is eight and eight-tenths (8.8') feet.

The minimum aisle width (F) for 90° parking on a fifty (50') foot lot in the Downtown P-D Zone area, as set forth in Section 10-2.2711, may be twenty-five and five-tenths (25.5') feet.

When two (2) rows of stalls use the same aisle for access, requiring two-way traffic because of stall layout, the aisle shall either be a minimum of twenty (20') feet in width or that which is called for in the table above, whichever is greater.

The turnaround or end driveway width (G) shall be a minimum of eighteen (18') feet.

The wheel stop setback dimension (E) shall be a minimum of two (2) feet for any parking area. See Section 10-2.1808 (d) of this article.

The required front setback dimension (A) is as specified in this chapter for the zoning district in which the parking area is to be located and as required by the landscaping provisions of Section 10-2.1808 of this article.

Any driveway used for both ingress and egress to and from a parking area and not directly serving the parking stalls shall have a minimum width of twenty (20') feet. Any driveway used only for either ingress or egress to or from a parking area and not directly serving parking stalls shall be a minimum of ten (10') feet in width. All driveways connecting public rights-of-way to off-street parking areas shall comply with the improvement standards of Section 10-2.1808 of this article.

No parking stall shall be so located as to require a vehicle, while exiting therefrom, to back onto any public street right-of-way, except stall serving one and two-family dwelling structures may back onto any street, and stalls serving three-family dwelling structures may back onto any street other than a major street as shown on the City's Select Street System Map adopted from time to time by the City Council. However, alleyways may be used for ingress and egress to and from parking stalls provided the stalls are set back the proper distance from the property line so that the aisle width is sufficient, as required in the Parking Stall and Aisle Dimension Table.

Every parking area shall have adequate internal circulation in which no backing movement, except that required to leave a parking stall, is allowed. It should be possible to maneuver within any parking area without use of the public rights-of-way and to maneuver within the parking area so that a car enters the street in a forward manner.

If desired, one of each five (5) required parking stalls may be designated for parking small cars. Small car stalls shall contain a rectangular area of exactly seven and one-half (7.5') feet in width and exactly fifteen (15') feet in length. Each small car space shall be identified with the words "small car" painted on the pavement.

Every parking area serving commercial, industrial, and public uses shall include parking stalls for the physically handicapped. Parking stalls for the handicapped shall contain a rectangular area exactly twelve (12') feet in width and exactly nineteen (19') feet in length. The number of handicapped parking stalls required shall be 2 percent of the total number of stalls provided in any such parking area. In no case shall a parking area contain less than one such stall. Handicapped stalls shall be situated so that the handicapped person will not be required to wheel behind parked cars other than parked cars for the handicapped while entering or exiting the parking area. Each parking stall for the physically handicapped shall be identified by a sign bearing the accepted International Symbol of Access for the handicapped. The sign shall be fastened to a post located at the back of each stall.

Ramped access ways shall be provided between off-street parking areas and adjacent walk ways. Ramping of access ways shall meet the requirements of the Chief Building Official.

Any dwelling, boarding house, lodging house, motel or hotel which may provide accommodations specifically for the physically handicapped shall also provide parking for the handicapped on not less than a 1 to 1 ratio, one physically handicapped stall to each specially equipped living unit.

(b) Location: Off-street parking areas shall be located as hereinafter specified. Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking area to the nearest point of the building that such parking area is required to serve.

(1) For one, two or multiple-family dwellings, parking areas shall be located on the same lot or building site as the buildings they are required to serve.

(2) For hospitals, sanitariums, rest homes, asylums, orphanages, rooming houses, lodging houses, fraternity and sorority houses, parking areas shall not be located more than one hundred fifty (150') feet from the buildings they are required to serve.

(3) For uses other than those specified above, parking areas shall not be located over four hundred (400') feet from the building they are required to serve.

(c) Plans: The plan of the proposed parking area shall be submitted to the Building Department at the time of the application for the building permit for the building to which the parking area is accessory. The plans shall clearly indicate the proposed development, including the location, size, shape, design, curb cuts, lighting, landscaping and other features and appurtenances of the proposed parking area. All parking areas shall be subject to the same restrictions governing accessory buildings as specified in the zoning district in which said parking areas are located.

SEC. 10-2,2903.1 PERMITTED USES UPON APPROVAL OF DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT. The following uses shall be permitted in an H-1 Zone subject to the approval of the Director of Planning and Community Development.

- (a) Christmas tree sales.
- (b) Fireworks stands.
- (c) Pumpkin sales.

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.

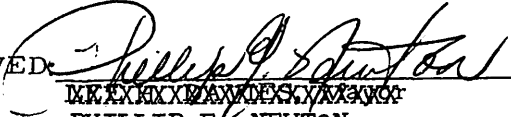
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 1977, by Councilmember Mensing, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Kullijian, Mensinger, Siefkin, Mayor pro tem Newton

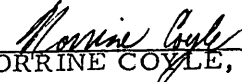
NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap, Elliott, Mayor Davies

APPROVED:


~~XXXXXXXXXXXXXXXXXXXX~~
PHILLIP E. NEWTON,
Mayor pro tem

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

Ord. No. 1586-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1977, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmembers: Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Dunlap, Newton

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 24, 1977

AN ORDINANCE AMENDING SECTION MAP 12-3-8 OF
 THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-
 FYING CERTAIN PROPERTY LOCATED THEREON. (SANDERS
 CONSTRUCTION COMPANY)

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

SECTION 1. ZONING CHANGE. Section 12-3-8 of the
 Zoning Map is hereby amended to reclassify the following-described
 property from Low Density Residential Zone, R-1
 to Planned-Development Zone, P-D (157) :

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

COMMENCING at the West quarter section corner of said Section 12, said
 corner being at the intersection of the center line of Veneman Avenue
 and the center line of Dale Road; thence South 0° 48' 40" East along the
 West line of said Section 12, a distance of 431.00 feet to the Point of
 Beginning; Thence North 89° 11' 20" East 549.99 feet; thence South
 0° 48' 40" East 887.64 feet to the Northerly right-of-way line on
 Modesto Irrigation District Lateral No. 7; thence South 85° 17' 10"
 West along said Northerly right-of-way line a distance of 143.32 feet;
 thence North 0° 48' 40" West 163.14 feet; thence South 89° 11' 20" West
 407.00 feet to aforementioned West line of Section 12; thence North
 0° 48' 40" West along said West line a distance of 734.25 feet to the
 point of beginning. Containing 9.79 acres.

SECTION 2. USES. The following uses shall be permitted in said P-D(157) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

- (a) All uses permitted within the H-1 Zone
- (b) An offstreet parking area

SECTION 3. ZONING MAP. Section Map 12-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. 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 February, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Smith
Department of Planning and
Community Development



1 0 6 5

Ord. No. 1587-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14th day of March, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 13, 1977

AN ORDINANCE AMENDING SECTION MAP 7-3-9 OF
 THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-
 FYING CERTAIN PROPERTY LOCATED THEREON. (JOHN WARD)

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

SECTION 1. ZONING CHANGE. Section 7-3-9 of the
 Zoning Map is hereby amended to reclassify the following-described
 property from Medium High Density Residential Zone, R-3,
 to Planned-Development Zone, P-D (156):

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

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

Containing: 3.565 acres

SECTION 2. USES. The following uses shall be permitted in said P-D (156) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

- (a) All uses permitted within the C-1 Zone.
- (b) Drive-in restaurant.
- (c) Furniture stores.
- (d) An offstreet parking area.

SECTION 3. ZONING MAP. Section Map 7-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. 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 February, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Newton, Mayor Davies

NOES: Councilmembers: Mensinger, Siefkin

ABSENT: Councilmembers: None

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

ATTEST: Norrine Coyne
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Albin Prichard
Department of Planning and
Community Development



Ord. No. 1588-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14th day of March, 1977, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Newton,
Mayor Davies

NOES: Councilmembers: Mensinger, Siefkin

ABSENT: Councilmembers: None

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 13, 1977

AN ORDINANCE AMENDING SECTION MAP 16-3-9 OF
 THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (RULE ENTERPRISES, SOUTHWEST CORNER COFFEE AND RUMBLE ROAD)

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

SECTION 1. ZONING CHANGE. Section 16-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from Low Density Residential Zone, R-L to Professional Office Zone, P-O, and Planned-Development Zone, P-D (151):

All that certain real property situate in the Northeast quarter of Section 16, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, State of California, described as follows:

PARCEL 1 - R-1 to P-D

COMMENCING at the Northeast corner of said Section 16, said corner being the intersection of the centerline of Rumble Road and the centerline of Coffee Road; thence South 0° 54' 15" East, along said centerline of Coffee Road and the East line of said Section 16, a distance of 275.61 feet to the POINT OF BEGINNING; thence continuing South 0° 54' 15" East, along said centerline of Coffee Road, a distance of 250.13 feet to the Easterly prolongation of the North line of Parcel "A" and Parcel "B", as shown on the map filed in Book 18 of Parcel Maps at Page 46, Stanislaus County Records; thence North 88° 57' 15" West, along said North line of Parcels "A" and "B", a distance of 361.16 feet; thence North 0° 30' East, 250.00 feet; thence South 88° 57' 15" East, 355.03 feet to the point of beginning.

Containing 2.06 Acres

PARCEL 2 - R-1 to P-O

BEGINNING at the Northeast corner of said Section 16, said corner being the intersection of the centerline of Rumble Road and the centerline of Coffee Road; thence South 0° 54' 15" East, along said centerline of Coffee Road and the East line of said Section 16, a distance of 275.61 feet; thence North 88° 57' 15" West, 355.03 feet; thence North 0° 30' East, 272.14 feet to the center line of Rumble Road and the North line of said Section 16; thence South 89° 30' East, along said centerline of Rumble Road, a distance of 348.26 feet to the point of beginning.

Containing 2.21 Acres,

SECTION 2. USES. The following uses shall be permitted in said P-D (151) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. Fifteen one and/or two-story condominium dwelling units.
2. A minimum of 23 off-street parking spaces.
3. Outdoor recreational and utility facilities as indicated on the plan.

SECTION 3. ZONING MAP. Section Map 16-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 1977, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

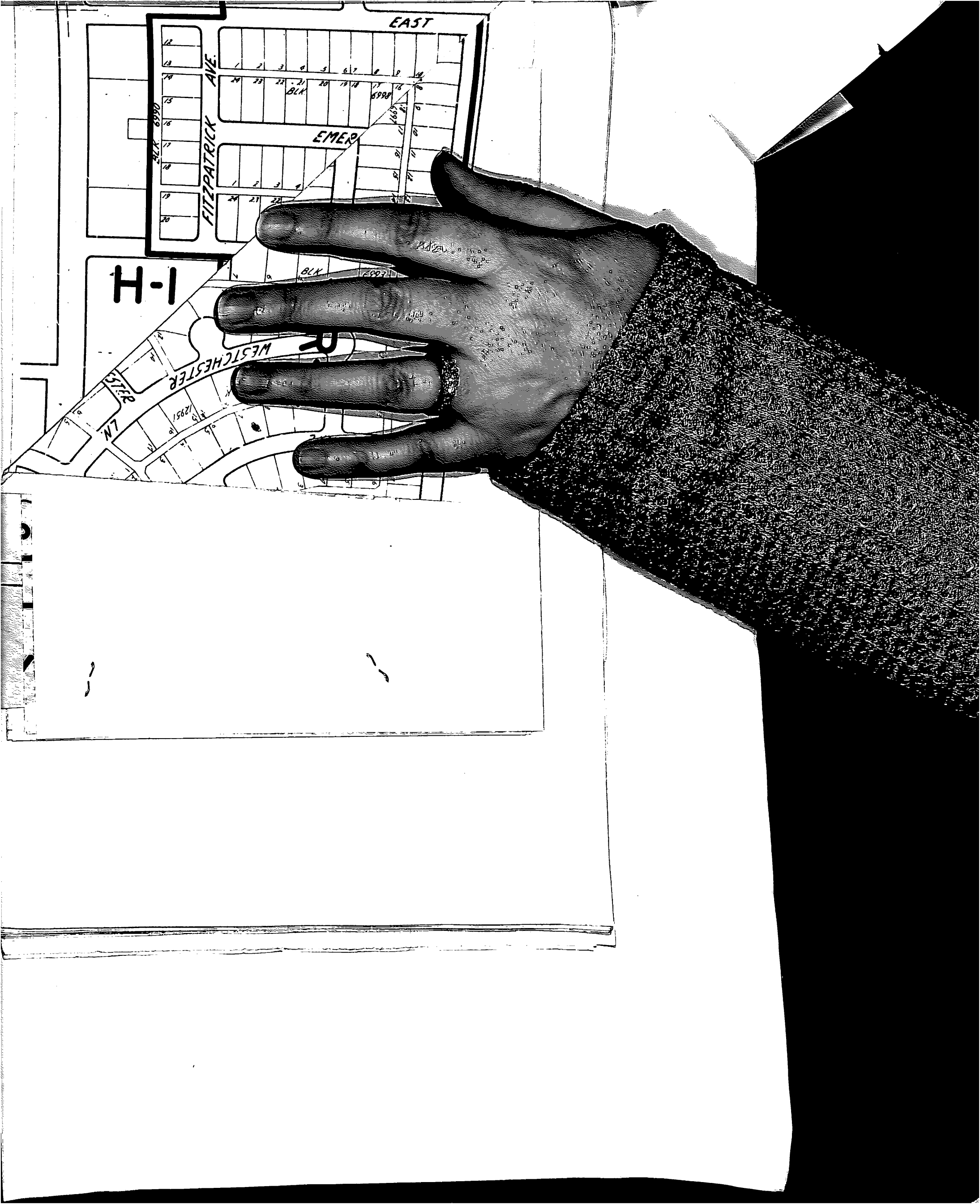
(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *William Smith*
Department of Planning and
Community Development



Ord. No. 1589-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14th day of March, 1977, Councilmember Mensing moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Mensinger, Newton,
Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: Kullijian

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 13, 1977

AN ORDINANCE AMENDING SECTION MAP 24-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (JOHN ZAMORA - ORANGEBURG AND CLAUS)

WHEREAS, a verified application for an amendment to Section 24-3-9 of the Zoning Map was filed by John Zamora on November 17, 1976, to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located on the southwest corner of East Orangeburg Avenue and Claus Road and described as follows:

All that certain real property situate in a portion of Lot 16, Idaho Colony, in the Northeast quarter of Section 24, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning at the Northeast corner of said Lot 16 of the Idaho Colony as per map filed April 27, 1909, in Volume 4 of Maps, Page 21, Stanislaus County Records, being the centerline intersection of Claus Road and East Orangeburg Avenue; thence South $0^{\circ} 47'$ East along said centerline of Claus Road, a distance of 552.03 feet to the Easterly prolongation of the South line of land conveyed to John L. Zamora, et al., by deed recorded in Volume 2577, Official Records, Page 226; Stanislaus County Records, thence South $89^{\circ} 21'$ West along said Southerly line of Zamora property a distance of 655.00 feet to the West line of said Lot 16; thence North $0^{\circ} 48' 30''$ West along said west line of Lot 16 a distance of 552.03 feet to said centerline of East Orangeburg Avenue; thence North $89^{\circ} 21'$ East along said centerline of East Orangeburg Avenue a distance of 655.00 feet to the point of beginning.

Containing 8.30 acres.

WHEREAS, after a public hearing held on January 18, 1977, it was found and determined by the Planning Commission:

1. That rezoning to R-2 of the easterly portion of the subject property to a depth of 300 feet from Claus Road is required by public necessity, convenience, and general welfare for the following reasons:
 - a. A 300 foot depth of R-2 zoning along Claus Road south of East Orangeburg Avenue complies with the adopted Lakewood Zoning and Development Plan.
 - b. R-2 zoning of the easterly 300 feet of the subject property would allow for a variety of housing types as called for in the Modesto Urban Area General Plan.
2. That rezoning of the remaining westerly portion of the subject property to R-2 as requested is not required by public necessity, convenience, and general welfare for the following reasons:

- a. The applicant has requested approximately twice the amount of R-2 zoning as called for in the specific Lakewood Zoning and Development Policy or the general prototype zoning and development policy as specified in the Modesto Urban Area General Plan.
- b. Any additional residential dwelling unit density over and above that which is ordinarily anticipated by standard city development policies should more properly be approved by the City via the Planned-Development Zone.
- c. The westerly portion of the subject property does not possess any of the locational criteria or any exceptional characteristics which could be construed to give rise for granting additional dwelling unit density in this vicinity.

WHEREAS, by Resolution No. 77-16, adopted on January 18, 1977, the Planning Commission recommended to the Council that the easterly 300 feet of the above described property be reclassified from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, and

WHEREAS, by said Resolution No. 77-16, the Planning Commission denied the requested rezoning from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, of the remainder of the above described property, located west of the 300 foot depth from Claus Road,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on March 7, 1977, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, 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 reasons set forth in Planning Commission Resolution No. 77-16, and quoted above.

SECTION 2. ZONING CHANGE. Section 24-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2:

All that certain real property situate in a portion of Lot 16, Idaho Colony, in the Northeast quarter of Section 24, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning at the Northeast corner of said Lot 16 of the Idaho Colony as per map filed April 27, 1909, in Volume 4 of Maps, Page 21, Stanislaus County Records, being the centerline intersection of Claus Road and East Orangeburg Avenue; thence South 0° 47' East along said centerline of Claus Road, a distance of 552.03 feet to the Easterly prolongation of the South line of land conveyed to John L. Zamora, et al., by deed recorded in Volume 2577, Official Records, Page 226, Stanislaus County Records, thence South 89° 21' West along said Southerly line of Zamora property a distance of 655.00 feet to the West line of said Lot 16; thence North 0° 48' 30" West along said west line of Lot 16 a distance of 552.03 feet to said centerline of East Orangeburg Avenue; thence North 89° 21' East along said centerline of East Orangeburg Avenue a distance of 655.00 feet to the point of beginning.

Excepting therefrom the westerly 235.00 feet of the above described property.

SECTION 3. ZONING MAP. Section 24-3-9 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 7th day of March, 1977, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Elliott, Dunlap, Mensinger, Siefkin,
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Newton

APPROVED: Lee H. Davies

LEE H. DAVIES, Mayor

ATTEST: Norrine Coyze
NORRINE COYZE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Nichols
Department of Planning and
Community Development



Ord. No. 1590-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14th day of March, 1977, Councilmember Mensing moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Mensinger, Newton, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: Kullijian

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 13, 1977

AN ORDINANCE AMENDING SECTION MAP 15-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO,
PREZONING CERTAIN PROPERTY LOCATED THEREON.
(PLANNING COMMISSION INITIATED)

WHEREAS, the Planning Commission by Resolution No. 76-216, adopted on December 7, 1976, initiated proceedings to amend Section 15-3-9 of the Zoning Map to prezone to Low Density Residential Zone, R-1, the hereinafter described property, and

WHEREAS, after public hearing held on January 18, 1977, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission that pre zoning of the property as initiated is required by public necessity, convenience and general welfare for the following reasons:

1. Annexation and development under "straight" R-2 zoning could result in an over abundance of access driveways onto this portion of Floyd Avenue and related backing movements of cars entering Floyd Avenue from the development.
2. The proposed R-1 pre zoning would assure that upon annexation and development, medium density residential development could be administered by virtue of a P-D zone or other means to limit access driveways and minimize cars backing onto Floyd Avenue.

and

WHEREAS, by Resolution No. 77-11, adopted on January 18, 1977, the Planning Commission recommended to the Council the amendment of Section 15-3-9 of the Zoning Map to prezone the hereinafter described property to Low Density Residential Zone, R-1,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on March 7, 1977, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the recommended pre zoning, as initiated 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 reasons set forth in Planning Commission Resolution No. 77-11, and quoted above.

SECTION 2. ZONING CHANGE. Section 15-3-9 of the Zoning Map is hereby amended to prezone the following described property to Low Density Residential Zone, R-1:

All that portion of the Northeast one-quarter of Section 15, Township 3 South, Range 9 East, of the Mount Diablo Base and Meridian, described as follows:

Commencing at the point of intersection of the centerline of Floyd Avenue with the centerline of Oakdale Road; thence westerly along the centerline of Floyd Avenue 656.27 feet to the true point of beginning; thence continuing Westerly along the centerline of Floyd Avenue 984.66 feet to the point of intersection with Northerly extension of the East line of Pleasant View Estates No. 2 as shown on the map filed July 8, 1971, in Volume 23 of Maps at Page 33 in the Stanislaus County Records; thence Southerly along said extended line and the East line of Pleasant View Estates No. 2 160.00 feet; thence Easterly along a line that is parallel with the centerline of Floyd Avenue 984.66 feet; thence Northerly along a line that is parallel with the said East line of Pleasant View Estates No. 2 160.00 feet more or less to the true point of beginning.

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 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 7th day of March, 1977, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dunlap,

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

AYES:	Councilmembers:	Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davi es
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Newton

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *William Donald*
Department of Planning and
Community Development



Ord. No. 1591-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14th day of March, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 13, 1977

AN ORDINANCE AMENDING SUBSECTION (e) OF SECTION 2 OF ORDINANCE NO. 1206 -C. S. ENTITLED " AN ORDINANCE GRANTING TO MODESTO GARBAGE COMPANY, INC., A CALIFORNIA CORPORATION, dba MODESTO DISPOSAL SERVICE, A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO."

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

SECTION 1. Subsection (e) of Section 2 of Ordinance No. 1206 -C. S. entitled " AN ORDINANCE GRANTING TO MODESTO GARBAGE COMPANY, INC., A CALIFORNIA CORPORATION, dba MODESTO DISPOSAL SERVICE, A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO." as amended by Ordinance No. 1331-C. S. and Ordinance No. 1421-C. S.

is hereby amended to read as follows:

"(e). Rates and charges to be charged by the Licensee for the collection of Garbage shall be established by the Council by resolution. Service charges and costs of operation of the Licensee will be reviewed annually by the City and, if deemed necessary by the City Council, rate adjustments made to be effective on or after January 1 of each year.

The City reserves the right to require adjustments in operations of the Licensee due to changing community needs, and/or developments in the field of garbage collection and disposal. Rate adjustments, if necessary, will be considered in such cases."

SECTION 2. 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. 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 March, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Newton

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

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

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

Ord. No. 1592-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of March, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,
Mensingher, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 20, 1977

AN ORDINANCE AMENDING SUBSECTION (e) OF SECTION 2 OF ORDINANCE NO. 1208 -C. S. ENTITLED " AN ORDINANCE GRANTING TO SANDERS BROTHERS, INC., A CALIFORNIA CORPORATION, dba SANDERS GARBAGE COMPANY, A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO."

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

SECTION 1. Subsection (e) of Section 2 of Ordinance No. 1208 -C. S. entitled " AN ORDINANCE GRANTING TO SANDERS BROTHERS, INC., A CALIFORNIA CORPORATION, dba SANDERS GARBAGE COMPANY, A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO." as amended by Ordinance No. 1332-C. S. and Ordinance No. 1423-C. S.

is hereby amended to read as follows:

"(e). Rates and charges to be charged by the Licensee for the collection of Garbage shall be established by the Council by resolution. Service charges and costs of operation of the Licensee will be reviewed annually by the City and, if deemed necessary by the City Council, rate adjustments made to be effective on or after January 1 of each year.

The City reserves the right to require adjustments in operations of the Licensee due to changing community needs, and/or developments in the field of garbage collection and disposal. Rate adjustments, if necessary, will be considered in such cases."

SECTION 2. 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. 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 March, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Newton

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

ATTEST:
By Norrine Coyle
NORRINE COYLE, City Clerk

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

Ord. No. 1593-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of March, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,
Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED 
LEE H. DAVIES, Mayor

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 20, 1977

AN ORDINANCE AMENDING SUBSECTION (e) OF SECTION 2 OF ORDINANCE NO. 1205 -C. S. ENTITLED "AN ORDINANCE GRANTING TO AIRPORT GARBAGE SERVICE, A CO-PARTNERSHIP COMPOSED OF EUGENE GILTON AND LEROY GILTON, A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO."

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

SECTION 1. Subsection (e) of Section 2 of Ordinance No. 1205 -C. S. entitled "AN ORDINANCE GRANTING TO AIRPORT GARBAGE SERVICE, A CO-PARTNERSHIP COMPOSED OF EUGENE GILTON AND LEROY GILTON, A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO" as amended by Ordinance No. 1330-C. S. and Ordinance No. 1420-C. S.

is hereby amended to read as follows:

"(e). Rates and charges to be charged by the Licensee for the collection of Garbage shall be established by the Council by resolution. Service charges and costs of operation of the Licensee will be reviewed annually by the City and, if deemed necessary by the City Council, rate adjustments made to be effective on or after January 1 of each year.

The City reserves the right to require adjustments in operations of the Licensee due to changing community needs, and/or developments in the field of garbage collection and disposal. Rate adjustments, if necessary, will be considered in such cases."

SECTION 2. 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. 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 March, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Newton

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

ATTEST:
By Norrine Coyne
NORRINE COYNE, City Clerk

(SEAL)

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

Ord. No. 1594-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of March, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 20, 1977

AN ORDINANCE AMENDING SUBSECTION (e) OF SECTION 2 OF ORDINANCE NO. 1207 -C. S. ENTITLED " AN ORDINANCE GRANTING TO RONALD T. DRISCOLL AND DIANE M. DRISCOLL, dba ORANGE LINE SANITATION COMPANY, A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO."

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

SECTION 1. Subsection (e) of Section 2 of Ordinance No. 1207 -C. S. entitled " AN ORDINANCE GRANTING TO RONALD T. DRISCOLL AND DIANE M. DRISCOLL, dba ORANGE LINE SANITATION COMPANY, A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO." as amended by Ordinance No. 1329-C. S. and Ordinance No. 1422-C. S.,

is hereby amended to read as follows:

"(e). Rates and charges to be charged by the Licensee for the collection of Garbage shall be established by the Council by resolution. Service charges and costs of operation of the Licensee will be reviewed annually by the City and, if deemed necessary by the City Council, rate adjustments made to be effective on or after January 1 of each year.

The City reserves the right to require adjustments in operations of the Licensee due to changing community needs, and/or developments in the field of garbage collection and disposal. Rate adjustments, if necessary, will be considered in such cases."

SECTION 2. 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. 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 March, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Newton

APPROVED: Lee H. Davies, Mayor

ATTEST:

By Norrine Coyle, City Clerk

(SEAL)

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

Ord. No. 1595-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of March, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,
Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 20, 1977

AN ORDINANCE AMENDING SUBSECTION (e) OF SECTION 2
OF ORDINANCE NO. 1455 -C. S. ENTITLED "AN
ORDINANCE GRANTING TO BERT AND DELOURIES
BERTOLOTTI, A SOLE PROPRIETORSHIP, DBA
BERTOLOTTI DISPOSAL SERVICE A LICENSE FOR THE
COLLECTION OF GARBAGE IN THE CITY OF MODESTO"

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

SECTION 1. Subsection (e) of Section 2 of Ordinance No. 1455 -C. S.
entitled "AN ORDINANCE GRANTING TO BERT AND DELOURIES
BERTOLOTTI, A SOLE PROPRIETORSHIP, DBA BERTOLOTTI DISPOSAL
SERVICE A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY
OF MODESTO"

is hereby amended to read as follows:

"(e). Rates and charges to be charged by the Licensee for the collection of Garbage shall be established by the Council by resolution. Service charges and costs of operation of the Licensee will be reviewed annually by the City and, if deemed necessary by the City Council, rate adjustments made to be effective on or after January 1 of each year.

The City reserves the right to require adjustments in operations of the Licensee due to changing community needs, and/or developments in the field of garbage collection and disposal. Rate adjustments, if necessary, will be considered in such cases."

SECTION 2. 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. 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 March, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Newton

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

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

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

Ord. No. 1596-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of March, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,
Mensingher, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyne
NORRINE COYNE, City Clerk

EFFECTIVE DATE: April 20, 1977

AN ORDINANCE AMENDING SECTION 6-1.107 OF
ARTICLE 1 OF CHAPTER 1 OF TITLE VI OF THE
MODESTO MUNICIPAL CODE RELATING TO
BUSINESS LICENSING.

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

SECTION 1. AMENDMENT OF CODE. Section 6-1.107 of Article
1 of Chapter 1 of Title VI of the Modesto Municipal Code is hereby amended to read
as follows:

SEC. 6-1.107. EXCLUSIONS. Except as may be otherwise
specifically provided in this chapter, the terms hereof shall
not be deemed or construed to apply to any of the following
persons:

(a) Any public utility which pays to the City a tax under
a franchise or similar agreement, or any publicly owned public
utility.

(b) Banks, including national banking associations, to the
extent that a city may not levy a license tax upon them under the
provisions of Article XIII, Section 27, of the State Constitution.

(c) Insurance companies and associations to the extent that
a city may not levy a license tax upon them under the provisions
of Article XIII, Section 28, of the State Constitution.

(d) Any person who the City is not authorized to license
under any law or constitution of the United States or the State
of California.

The Director may require the filing of a verified statement
from any person claiming to be excluded by the provisions of this
section, which statement shall set forth all facts upon which the
exclusion is claimed.

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 March, 1977, by
Councilmember Dunlap, who moved its introduction and passage to

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

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger,
Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: Newton

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

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1597-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of March, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,
Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 20, 1977

AN ORDINANCE REPEALING ORDINANCE NO. 967-C.S. OF THE CITY OF MODESTO AND AMENDING SECTION MAP 23-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (LANCE ELLIS)

WHEREAS, by Ordinance No. 967-C.S., entitled "An Ordinance Amending Section Map 23-3-9 Of The Zoning Map Of The City Of Modesto, Prezoning Certain Property Located Thereon (Lance E. Ellis)", effective July 16, 1969, the Council of the City of Modesto prezoned to Planned-Development Zone, P-D(62), property located at the northeast corner of Oakdale Road and Peppermint Drive and hereinafter described, and

WHEREAS, the land area containing P-D(62) was annexed to the City of Modesto on February 5, 1970, and

WHEREAS, a verified application for an amendment to Section 23-3-9 of the Zoning Map was filed by Lance Ellis on December 20, 1976, to rezone from Planned-Development Zone, P-D(62), to Medium Density Residential Zone, R-2, said property located at the northeast corner of Oakdale Road and Peppermint Drive, and hereinafter described, and

WHEREAS, by Resolution No. 77-13, adopted on January 18, 1977, the Planning Commission recommended to the Council that rezoning said property as requested from P-D(62), which allowed a 40-unit, two-story apartment development, to Medium Density Residential Zone, R-2, is required by public necessity, convenience, and general welfare for the following reasons:

1. The subject property is located on a major street at the intersection of a collector street.
2. R-2 zoning of the subject property reduces the residential density of the proposed development allowed by P-D(62).
3. The R-2 zoning of the subject property conforms substantially with the R-2 zoning criteria called out in the neighborhood zoning and development prototype plan as contained in the urban area General Plan.
4. The requested R-2 zoning will result in a lesser density than that called for in the adopted zoning and development policy for the East Orangeburg Neighborhood.
5. The time for development of P-D(62) has expired.

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on March 14, 1977, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, 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 for the reasons set forth in Planning Commission Resolution No. 77-13, and quoted above.

SECTION 2. REPEAL OF ORDINANCE. Ordinance No. 967-C.S. adopted by the Council of the City of Modesto is hereby repealed.

SECTION 3. ZONING CHANGE. Section 23-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned-Development Zone, P-D(62) to Medium Density Residential Zone, R-2:

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

Commencing at the West quarter corner of said Section 23; thence North 89° 59' East along the east-west quarter section line of said Section 23 a distance of 16.50 feet to the point of beginning; thence continuing North 89° 59' East along said east-west quarter section line a distance of 352.60 feet; thence South 20° 01' East a distance of 160.77 feet; thence in a Southwesterly direction along a curve concave to the Southeast through a central angle of 28° 42' 28" having a radius of 250.00 feet, a curve length of 125.26 feet to a point of reverse curvature; thence in a Westerly direction along a curve concave to the Northwest through a central angle of 48° 42' 28", having a radius of 250.00 feet, a curve distance of 212.53 feet; thence South 89° 59' West a distance of 113.50 feet; thence North 0° 45' West parallel to and 16.50 feet distant Easterly at right angles from the West line of the aforementioned Section 23 a distance of 306.07 feet to the point of beginning.

CONTAINING: 2.345 acres gross.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 1977, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Richards
Department of Planning and
Community Development



Ord. No. 1598-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of March, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,
Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 20, 1977

AN ORDINANCE AMENDING SECTIONS 10-2.271, 10-2.502 AND 10-2.2504 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. LEGISLATIVE INTENT. The existing zoning regulations of the City of Modesto prohibit all uses which are not otherwise permitted. The regulations for residential zones do not permit conducting a business in such zones except by home occupation permit.

However, it has been recognized by the courts in California that not all business activities amount to conducting a business, or are incompatible or interfere with the residential uses or aesthetic values which the residential zones seek to protect. Such limited business activities have therefore been permitted in residential zones in the City of Modesto.

It is the intent of the City Council by these amendments to the zoning regulations of the City of Modesto to codify such existing practice and to authorize business activities which have heretofore been allowed in residential zones. It is not the intent of the City Council by these amendments to allow new or different types of activities in residential zones.

These amendments are intended to clarify and make it easier for the residents of the City to determine what business activities are permitted in residential zones and to facilitate the administration and enforcement of the zoning regulations.

SECTION 2. AMENDMENT OF CODE. Sections 10-2.271, 10-2.502 and 10-2.2504 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.271. TRUCK. (a) A motor vehicle, including a commercial vehicle or truck tractor as defined in the Vehicle Code of the State of California, designed or used for the transportation of persons, commodities or materials and having one or more of the following characteristics;

(1) The vehicle exceeds a maximum gross weight of more than six thousand (6,000) pounds.

(2) The vehicle is rated as one and one-half (1 1/2) ton or greater capacity.

(3) The vehicle extends nine (9') feet or more to the rear of the driving compartment.

(b) Notwithstanding the provisions of paragraph (a) herein, this definition shall not include any passenger vehicle with a capacity of fewer than ten (10) passengers.

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

(i) 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) This subsection (1) on business activities shall not apply to activities conducted pursuant to a home occupation permit.

SEC. 10-2,2504. ENFORCEMENT. (a) The Chief Building Official and the Chief of Police are hereby designated and authorized as the officers charged with the enforcement of this chapter. They shall enforce all of the provisions of this chapter and their failure to do so shall not legalize any violation of such provisions. The Chief Building Official 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.

(b) In addition to any other remedy provided by law, whenever any building, structure or land is being used or occupied contrary to the provisions of this chapter, the Chief Building Official or Chief of Police 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 or Chief of Police 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 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 14th day of March, 1977, by Councilmember Newton, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1599-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of March, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 20, 1977

AN ORDINANCE AMENDING SECTION 3-2.1301 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE AND ADDING SECTION 3-2.1006 THERETO, RELATING TO PARKING OF TRUCKS AND COMMERCIAL VEHICLES.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.1301 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.1301. TRUCK ROUTES. (a) Use of Truck Routes. It shall be unlawful for the operator of any moving van, dump truck, tank truck, used or designed for the purpose of transporting petroleum products, or any vehicle designed or used for the transportation of commodities or materials, which vehicle exceeds a maximum gross weight of six thousand (6,000) pounds, to operate said vehicle upon any street other than upon and over a truck route for any purpose other than to make a pickup or delivery, or to service or secure repairs to said vehicle. In traveling to or from the point of delivery, pickup, service to or repair of said vehicle, the operator of said vehicle shall drive as far as possible upon and over a truck route.

(b) Towing. It shall be unlawful for the operator of any vehicle to tow or pull or push any other vehicle on any street of the City other than upon a truck route for any distance greater than is absolutely necessary.

(c) Exemptions. Nothing herein shall be construed to prevent the driving and operating of fire apparatus upon any streets of the City nor shall this chapter, by its terms, prevent equipment owned by the City from being operated upon any of the streets of the City. Neither shall this chapter by its terms be construed to apply to the moving of houses, buildings, or structures upon and over the streets of the City. The provisions of this section shall not apply to:

(1) Passenger buses under the jurisdiction of the Public Utilities Commission; or

(2) Any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility.

(d) Designation by Council. The Council is authorized to determine and designate truck routes by resolution, which designation shall become effective when appropriate signs are in place giving notice of said designations to the public.

SECTION 2. AMENDMENT OF CODE. Section 3-2.1006 is hereby added to Chapter 2 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-2.1006. PARKING OF COMMERCIAL VEHICLES AND BUSES PROHIBITED ON STREETS IN RESIDENTIAL DISTRICTS. No person shall park or leave standing any commercial vehicle, as defined in the Vehicle Code of the State of California, upon any street within any residential district of the City, if such vehicle has a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more, for any purpose other than making pickups or deliveries of persons,

goods, wares, and merchandise from or to any building or structure, located on such street or for any purpose other than delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon such street for which a building permit has previously been obtained. A residential district of the City is any area of the City which is classified as residential under the provisions of the zoning regulations of this Code.

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 14th day of March, 1977, by Councilmember Newton, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

ATTEST:

By Norrine Coyne
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1600-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of March, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 20, 1977