

ORDINANCE NO. 1751-C.S.

AN ORDINANCE AMENDING SECTION MAP 12-3-8 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON, (SANDERS CONSTRUCTION
COMPANY)

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

SECTION 1. ZONING CHANGE. Section 12-3-8 of the Zoning

Map is hereby amended to reclassify the following-described property
from Planned Development Zone P-D(154) and Planned Development Zone, P-D (157) to
Planned-Development Zone, P-D (191) :

P-D (154) to P-D(191)

Parcel 1

All that portion of the Northwest quarter of the Southwest quarter of
Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian,
described as follows, to-wit:

COMMENCING at the quarter section corner between Sections 11 and 12, above
Township and Range, and being in the center of a 50 foot County Road (Dale
Road); thence South $0^{\circ} 48'$ East 1245.25 feet along the said Section line to the
true point of beginning of this description; thence North $89^{\circ} 12'$ East 272.25
feet; thence North $0^{\circ} 48'$ West 80.0 feet; thence North $89^{\circ} 12'$ East 134.75 feet;
thence South $0^{\circ} 48'$ East 163.40 feet to the North boundary line of Lateral No. 7
of the Modesto Irrigation District; thence along the said North boundary line of
Lateral No. 7 the following three courses and distances: South $85^{\circ} 23'$ West
135.35 feet; South $89^{\circ} 15'$ West 100.5 feet; North $86^{\circ} 37'$ West 172.00 feet to the
section line between Sections 11 and 12, above Township and Range; thence North
 $0^{\circ} 48'$ West along the said section line 80.0 feet to the true point of beginning
of this description.

Parcel 2

COMMENCING at the quarter section corner between Sections 11 and 12, above
township and range and being in the center of a 50 foot County Road (Dale Road);
thence South $0^{\circ} 48'$ East 1165.25 feet along the section line to the true point
of beginning of this description; thence North $89^{\circ} 12'$ East 272.25 feet; thence
South $0^{\circ} 48'$ East 80.0 feet; thence South $89^{\circ} 12'$ West 272.25 feet to the said
Section line; thence North $0^{\circ} 48'$ West 80.0 feet along the section line to the
true point of beginning.

The above said Parcels being also described as a portion of Lot 4 of the
McKinney Colony according to the Official Map thereof, filed in the office of
the Recorder of Stanislaus County, California, on November 21, 1903, in Volume 1
of Maps, page 37.

P-D(157) to P-D(191)

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 $0^{\circ} 48' 40''$ East along the West line of said Section 12, a distance of 431.00 feet to the Point of Beginning; Thence North $89^{\circ} 11' 20''$ East 549.99 feet; thence South $0^{\circ} 48' 40''$ East 887.64 feet to the Northerly right-of-way line on Modesto Irrigation District Lateral No. 7; thence South $85^{\circ} 17' 10''$ West along said Northerly right-of-way line a distance of 143.32 feet; thence North $0^{\circ} 48' 40''$ West 163.14 feet; thence South $89^{\circ} 11' 20''$ West 407.00 feet to aforementioned West line of Section 12; thence North $0^{\circ} 48' 40''$ 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(191) 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:

Commercial uses as permitted in the H-1 Zone.

An off-street parking area in accordance with the plan on file in the office of the Director of Planning and Community Development.

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 3rd day of July, 19 78, 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, 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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *William Brooks*
Department of Planning and
Community Development

Ord. No. 1751-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 17th day of July, 1978, 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, Lang, Mensinger, Siefkin,
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Kullijian

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 16, 1978

Ordinance 1751 C.S.
Exhibit A – Map

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

ORDINANCE NO. 1752 -C.S.

AN ORDINANCE AMENDING SECTION MAP 2-3-8 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (INVEST WEST FINANCIAL
CORP)

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

SECTION 1. ZONING CHANGE. Section 2-3-8 of the Zoning
Map is hereby amended to reclassify the following-described property
from Low Density Residential Zone, R-1 to
Planned-Development Zone, P-D (188) :

The south one-half of the southeast quarter of the southeast quarter of
Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian,
in the County of Stanislaus, State of California.

SECTION 2. USES. The following uses shall be permitted in said P-D (188) 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 maximum of 278 one and two-story multiple family dwelling units.
2. An off-street parking area in accordance with the plan on file in the office of the Director of Planning and Community Development.
3. Recreation and open space area including swimming pools, a tennis court, and recreation buildings.

SECTION 3. ZONING MAP. Section Map 2-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1978, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: 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

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By

William A. Marks
Department of Planning and
Community Development

Ord. No. 1752-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 17th day of July, 1978, 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, Lang, Mensinger, Siefkin,
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Kullijian

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 16, 1978

Ordinance 1752 C.S.
Exhibit A – Map

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

ORDINANCE NO. 1753 -C. S.

AN ORDINANCE AMENDING SECTION 8-2.129 OF ARTICLE 1 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO DISPOSITION OF SALES TAX PROCEEDS.

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

SECTION 1. AMENDMENT OF CODE. Section 8-2.129 of Article 1 of Chapter 2 of Title VIII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 8-2.129. DISPOSITION OF PROCEEDS. All moneys received pursuant to the provisions of this article shall be deposited as follows:

(a) All of said moneys shall be deposited and paid into the General Fund of the City; except that

(b) The Council by resolutions adopted from time to time may direct that up to one-half (1/2) of said money shall be paid into the Special Capital Outlay Fund and shall be expended solely for capital outlays.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1978, by

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

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, 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. 1753-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 17th day of July, 1978, 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, Lang, Mensinger, Siefkin,
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Kullijian

APPROVED



LEE H. DAVIES, Mayor

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 16, 1978

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN
AS THE KANSAS AVENUE ADDITION TO
THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by Pacific
Transportation Company, Hasco Development Company, Richard T. Hughes, Julius
M. Conrady, Albert A. Silva, Dolores W. Silva, Robert E. Harper, George W. Lucas,
FMC Corporation, Pearl W. Lewis and Rubv N. Lewis
on April 12, 19 78, 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
Kansas Avenue 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 15th day of
May, 1978, set said petition for hearing at the hour of 7:30
o'clock P.M. on the 10th day of July, 19 78, 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 May 19, 1978, and on May 26,
19 78; and in The Riverbank News, a newspaper published outside
the City of Modesto, but in the County of Stanislaus, on May 24, 19 78,
and on May 31, 19 78, 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 February 22, 19 78, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 10th day of July, 1978, 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 Kansas Avenue 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 of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, six certified copies of this ordinance, stating the date of its passage, to immediately make six copies of the boundary description of the annexation; and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the executive officer of the Stanislaus County Local Agency Formation Commission together with a payment of all fees required by California Government Code Section 54902.5.

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 10th day of July, 19 78, by Councilmember Dunlap, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

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

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Public Works Department
Public Works Department

KANSAS AVENUE ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of 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 NORTHWEST ADDITION (44) as per description filed December 10, 1951, as Instrument No. 28460, Stanislaus County Records;

1. thence along the Southwestern boundary of said Addition (44), South $0^{\circ} 35' 05''$ East, 729.16 feet, to the Southern line of 40.00 foot Kansas Avenue, and the quarter corner of Sections 30/29;
2. thence continuing along the existing City Limits and section line along Franklin Street, South $0^{\circ} 35' 05''$ East, 1206.90 feet, to the Southern right-of-way line of future State Highway 132;
3. thence leaving the existing City Limits, and continuing along said Southern right-of-way line, North $52^{\circ} 22' 45''$ West, 396.48 feet;
4. thence North $89^{\circ} 47' 00''$ West, 12.17 feet;
5. thence North $52^{\circ} 22' 45''$ West, 241.08 feet;
6. thence North $56^{\circ} 48' 27''$ West, 208.53 feet;
7. thence North $65^{\circ} 30' 34''$ West, 288.33 feet;
8. thence North $76^{\circ} 34' 00''$ West, 385.37 feet;
9. thence North $86^{\circ} 18' 44''$ West, 107.80 feet;
10. thence North $89^{\circ} 47' 00''$ West, 1236.26 feet, to the center line of 40.00 foot Emerald Avenue;
11. thence along said center line, South $00^{\circ} 12' 07''$ East, 492.85 feet, to the center line of 60.00 foot Elm Avenue;
12. thence continuing along said center line, North $89^{\circ} 28' 07''$ West, 564.67 feet;
13. thence North $00^{\circ} 12' 07''$ West, 492.99 feet, to the Southern right-of-way line for future State Highway 132;
14. thence continuing along said right-of-way line, North $89^{\circ} 28' 22''$ West, 821.33 feet;
15. thence South $89^{\circ} 12' 44''$ West, 376.14 feet;
16. thence South $86^{\circ} 53' 24''$ West, 375.52 feet;
17. thence South $80^{\circ} 04' 49''$ West, 386.02 feet;
18. thence South $30^{\circ} 24' 37''$ West, 165.75 feet;
19. thence South $89^{\circ} 28' 26''$ West, 45.00 feet, to the center line of 90.00 foot Carpenter Road;
20. thence along said center line, North $00^{\circ} 31' 34''$ West, 650.00 feet;
21. thence North $89^{\circ} 28' 26''$ East, 45.00 feet, to the Northern right-of-way line of future State Highway 132;
22. thence continuing along said right-of-way line, South $47^{\circ} 33' 16''$ East, 125.90 feet;
23. thence South $80^{\circ} 49' 38''$ East, 543.24 feet;
24. thence South $86^{\circ} 03' 28''$ East, 493.01 feet;
25. thence South $89^{\circ} 30' 35''$ East, 800.00 feet;
26. thence North $88^{\circ} 45' 57''$ East, 680.47 feet to the center.

line of 40.00 foot Emerald Avenue;

27. thence along said center line North $00^{\circ} 12' 07''$ West, 262.60 feet, to the quarter section line and Southern line of Kansas Avenue;

28. thence continuing along said street, South $89^{\circ} 47' 00''$ East, 25.00 feet, to the interior quarter corner of Section 30;

29. thence South $89^{\circ} 47' 00''$ East, 35.00 feet, to the center line of 40.00 foot Emerald Avenue;

30. thence along said center line, North $00^{\circ} 11' 40''$ West, 1632.07 feet;

31. thence North $89^{\circ} 39' 17''$ East, 30.00 feet, to the North-eastern line of 28.00 foot Barium Road;

32. thence continuing along the Northeastern line of said road, South $13^{\circ} 46' 00''$ East, 81.72 feet;

33. thence South $43^{\circ} 07' 30''$ East, 1084.67 feet;

34. thence along a curve having a Radius of 1972.00 feet, a Central Angle of $3^{\circ} 35' 21''$, and an Arc Length of 123.53 feet;

35. thence South $89^{\circ} 47' 15''$ East, 89.26 feet;

36. thence South $00^{\circ} 11' 40''$ East, 69.47 feet;

37. thence South $37^{\circ} 24' 39''$ East, 35.78 feet;

38. thence South $49^{\circ} 22' 30''$ East, 142.01 feet;

39. thence North $00^{\circ} 11' 40''$ West, 231.60 feet;

40. thence South $89^{\circ} 48' 20''$ West, 14.07 feet;

41. thence North $00^{\circ} 11' 40''$ West, 20.04 feet;

42. thence North $07^{\circ} 58' 20''$ East, 98.55 feet;

43. thence North $00^{\circ} 11' 40''$ West, 484.27 feet;

44. thence along a curve having a Radius of 583.14 feet, a Central Angle of $21^{\circ} 53' 00''$, and an Arc Length of 222.72 feet;

45. thence North $21^{\circ} 41' 20''$ East, 135.05 feet;

46. thence along a curve having a Radius of 562.22 feet, a Central Angle of $47^{\circ} 37' 57''$, and an Arc Length of 467.40 feet;

47. thence North $00^{\circ} 11' 40''$ West, 7.02 feet;

48. thence North $47^{\circ} 18' 10''$ East, 100.00 feet;

49. thence South $42^{\circ} 51' 50''$ East, 2003.90 feet, to the point of beginning, containing 131.662 acres, more or less.

ORDINANCE NO. 1755 -C.S.

AN ORDINANCE AMENDING SECTION MAP 27-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (WOLVERINE BUILDING SERVICE)

WHEREAS, a verified application for an amendment to Section 27-3-9 of the Zoning Map was filed by Wolverine Building Service

on May 3, 19 78, 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 June 20, 19 78, 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. 78-108, adopted on June 20, 19 78, the Planning Commission recommended to the Council that the application of Wolverine Building Service

to amend Section 27-3-9 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 July 24, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The subject property fronts upon a major street.
2. The proposed R-2 zoning conforms to the locational criteria for medium density residential development of the General Plan.
3. The property proposed for R-2 zoning is an integral part of a subdivision and the proposed rezoning is compatible with the existing zoning and development pattern of the surrounding properties.

SECTION 2. ZONING CHANGE. Section 27-3-9 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 portion of the Northeast quarter of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, described as follows:

All of Lots 31 and 32 in Block 2283 as shown on the map of Oakshire Terrace recorded May 2, 1978, in Volume 27 of Maps, at Page 65, in the Stanislaus County Records.

Including also the Northerly 30 feet of Ellis Street and the Westerly 50 feet of El Vista Avenue, all being immediately adjacent to said Lots 31 and 32.

SECTION 3. ZONING MAP. Section 27-3-9 of the Zoning

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1978, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: 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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Butts
W.B. Department of Planning and
Community Development

Ord. No. 1755-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 6, 1978

Ordinance 1755 C.S.
Exhibit A – Map

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

ORDINANCE NO. 1756 -C. S.

AN ORDINANCE AMENDING SECTION 5-4.201 OF ARTICLE 2 OF CHAPTER 4 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO LICENSING OF DOGS.

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

SECTION 1. AMENDMENT OF CODE. Section 5-4.201 of Article 2 of Chapter 4 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-4.201. LICENSING AND FEES.

(a) License Required. Every person who own, controls, harbors, possesses, or keeps in the City any dog over the age of four (4) months shall, annually between July 1st and August 31st of each year, procure a license from the Director of Finance for said dog. Each license shall be valid for the period commencing on July 1st of said year and ending on June 30th of the succeeding year.

(b) Fees. The annual fee for said license shall be Eight and no/100ths (\$8.00) Dollars for each dog; provided, however, that the annual fee shall be Two and no/100ths (\$2.00) Dollars for each dog which is spayed or neutered. Provided further, however, that during the period from September 1st of each year to June 30th of the succeeding year within fifteen (15) days after a dog reaches the age of four (4) months, or within thirty (30) days after any dog over the age of four (4) months is acquired or brought into the City, its owner shall procure a license for said dog and shall be required to pay the fee herein required, prorated annually.

(c) Penalties. Any owner who fails to procure a dog license and pay the required fee within the time allowed shall, in addition to any other penalty provided by this Code, be subject to the following penalties to be added to the license fee herein-above provided and collected therewith:

Voluntary licensing	\$2.00
Licensing after written notification	\$4.00
Licensing after impoundment or issuance of a Notice to Appear in court or a complaint	\$6.00

(d) Exemptions From and Reductions in Fees.

1. No license fee shall be required for guide dogs for the blind.

2. Owners of dogs which are spayed or neutered shall be entitled to one of the following exemptions. These exemptions shall apply only once for each dog.

(aa) The owner of any currently licensed dog which is spayed or neutered between July 1st and December 31st shall be eligible for a free license for the current licensing period or for a refund of the licensing fees already paid for that period.

(ab) The owner of any currently licensed dog which is spayed or neutered between January 1st and June 30th shall be exempt from licensing fees for the subsequent licensing period.

(ac) The owner of any unlicensed dog which is spayed or neutered shall be exempt from licensing fees for the licensing period in which the dog is spayed or neutered.

3. Any person claiming entitlement to a reduction or exemption in fees as provided in this subsection shall have the burden of establishing his entitlement thereto to the satisfaction of the Director of Finance.

SECTION 2. DECLARATION OF EMERGENCY. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure for preserving the public peace, health and safety. Unless the foregoing ordinance is adopted without delay, the provisions of the Spay-Neuter Program of the City of Modesto will not be in effect at the time that new licenses are required for all dogs. This program is designed to encourage the licensing of dogs within the City of Modesto, thereby providing for increased protection from rabies, as well as alleviate the continued increase in dog population in the City of Modesto, which population leads to increased pecuniary costs in enforcement, and is therefore necessary for the continued health, safety and welfare of the City of Modesto

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1978, 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, Kullijian, Lang, Mensinger, 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

ORDINANCE NO. 1757 -C. S.

AN ORDINANCE AMENDING SECTION 5-4.201 OF ARTICLE 2 OF CHAPTER 4 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO LICENSING OF DOGS.

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

SECTION 1. AMENDMENT OF CODE. Section 5-4.201 of Article 2 of Chapter 4 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-4.201. LICENSING AND FEES.

(a) License Required. Every person who own, controls, harbors, possesses, or keeps in the City any dog over the age of four (4) months shall, annually between July 1st and August 31st of each year, procure a license from the Director of Finance for said dog. Each license shall be valid for the period commencing on July 1st of said year and ending on June 30th of the succeeding year.

(b) Fees. The annual fee for said license shall be Eight and no/100ths (\$8.00) Dollars for each dog; provided, however, that the annual fee shall be Two and no/100ths (\$2.00) Dollars for each dog which is spayed or neutered. Provided further, however, that during the period from September 1st of each year to June 30th of the succeeding year within fifteen (15) days after a dog reaches the age of four (4) months, or within thirty (30) days after any dog over the age of four (4) months is acquired or brought into the City, its owner shall procure a license for said dog and shall be required to pay the fee herein required, prorated annually.

(c) Penalties. Any owner who fails to procure a dog license and pay the required fee within the time allowed shall, in addition to any other penalty provided by this Code, be subject to the following penalties to be added to the license fee herein-above provided and collected therewith:

Voluntary licensing	\$2.00
Licensing after written notification	\$4.00
Licensing after impoundment or issuance of a Notice to Appear in court or a complaint	\$6.00

(d) Exemptions From and Reductions in Fees.

1. No license fee shall be required for guide dogs for the blind.

2. Owners of dogs which are spayed or neutered shall be entitled to one of the following exemptions. These exemptions shall apply only once for each dog.

(aa) The owner of any currently licensed dog which is spayed or neutered between July 1st and December 31st shall be eligible for a free license for the current licensing period or for a refund of the licensing fees already paid for that period.

(ab) The owner of any currently licensed dog which is spayed or neutered between January 1st and June 30th shall be exempt from licensing fees for the subsequent licensing period.

(ac) The owner of any unlicensed dog which is spayed or neutered shall be exempt from licensing fees for the licensing period in which the dog is spayed or neutered.

3. Any person claiming entitlement to a reduction or exemption in fees as provided in this subsection shall have the burden of establishing his entitlement thereto to the satisfaction of the Director of Finance.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1978, 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, Kullijian, Lang, Mensinger, 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. 1757-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 6, 1978

ORDINANCE NO. 1758-C.S.

AN ORDINANCE ADDING SECTION 8-2.1004.1 TO ARTICLE 10 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO SCHOOL SITE AND FACILITIES TAX.

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

SECTION 1. AMENDMENT OF CODE. Section 8-2.1004.1 of Article 10 of Chapter 2 of Title VIII of the Modesto Municipal Code relating to School Site and Facilities Tax is hereby added to read as follows:

SEC. 8-2.1004.1. EXEMPTIONS. (a) The taxes imposed by this article shall not be applicable to those lots on which a dwelling unit was previously situated but which was destroyed by fire or other natural disaster, provided:

1. That a permit to rebuild is obtained within one year of the dwelling unit's or units' destruction.
2. That the permit to rebuild is obtained by the owner of record as of the date of the dwelling unit's or units' destruction.
3. That the exemption will apply only to the extent that the permit to rebuild is for the same number or fewer dwelling units as previously existed. The taxes imposed by this article shall be applied to the extent that the permit is for more units than previously existed.

(b) Any person claiming an exemption under this section shall have the burden of establishing his eligibility for such exemption to the satisfaction of the Chief Building Official.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1978, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, 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. 1758-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 6, 1978

ORDINANCE NO. 1759 -C.S.

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 24th day of July, 1978, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded

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

AYES: Councilmembers: 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

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1759-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 6, 1978

Ordinance 1759 C.S.
Exhibit A – Map

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

ORDINANCE NO. 1760 -C.S.

AN ORDINANCE AMENDING SECTION MAP 7-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (NORMAN WINSOR)

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

SECTION 1. ZONING CHANGE. Section 7-3-9 of the Zoning
Map is hereby amended to reclassify the following-described property
from Low Density Residential Zone, R-1 to
Planned-Development Zone, P-D (197) :

Lot 16 of Block 13358 of the Winsor Tract according to the
Official Map thereof, filed for record on March 28, 1978,
in Volume 27 of Maps at Page 56, Stanislaus County Records.

Including also the Easterly one-half of San Clemente Avenue
and the Northerly 30 feet of Standiford Avenue, all being
immediately adjacent to said Lot 16.

SECTION 2. USES. The following uses shall be permitted in said P-D (197) 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 134-unit 2-story apartment complex.
2. Offstreet parking in accordance with the plan on file in the office of the Director of Planning and Community Development.

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 7th day of August, 1978, 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: Elliott, Kullijian, Lang, Mensinger,
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

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 Shields*
Department of Planning and
Community Development

Ordinance 1760 C.S.
Exhibit A – Map

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

Ord. No. 1760-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 August, 1978, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

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

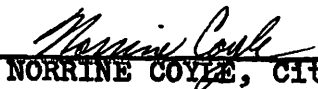
NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 13, 1978

ORDINANCE NO. 1761 -C.S.

AN ORDINANCE AMENDING SECTION MAP 7-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (J. F. ROUW)

WHEREAS, a verified application for an amendment to Section 7-3-9 of the Zoning Map was filed by J. F. Rouw

on May 15, 19 78, to reclassify from Low Density Residential Zone, R-1, to Medium High Residential Zone, R-3, and, to Planned Development Zone, P-D(193), the hereinafter described property, and

WHEREAS, after public hearing held on June 20, 1978, 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. 78-110, adopted on June 20, 1978, the Planning Commission recommended to the Council that the application of J. F. Rouw

to amend Section 7-3-9 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Medium High Residential Zone, R-3, and, to Planned Development Zone, P-D(193), be approved,

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

SECTION 1. ZONING CHANGE. Section 7-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3:

ALL that certain real property situate in a portion of the Northwest Quarter of Section 7, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, State of California, described as follows:

COMMENCING at the Northwest corner of said Section 7, thence along the West line of said Section 7, South 0° 42' 15" East 1262.78 feet to the POINT OF BEGINNING of this description; thence North 89° 17' 45" East 218.58 feet; thence Southeasterly 441.87 feet along a tangent curve, concave to the Southwest, having a radius of 586.90 feet and a central angle of 43° 08' 15" to the Northwesterly line of the 100-foot wide Modesto Irrigation Lateral No. 7; thence along said Northwesterly line of Lateral No. 7 South 42° 26' West 906.57 feet to the West line of said Section 7; thence along said West line of Section 7 North 0° 42' 15" West 820.17 feet to the point of beginning.

Including also the Northwesterly 50 feet of the Modesto Irrigation District Lateral No. 7 immediately adjacent to the above described property.

Contains: 6.50 Acres.

SECTION 2. ZONING CHANGE. Section 7-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D(193):

ALL that certain real property situate in a portion of the Northwest Quarter of Section 7, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, State of California, described as follows:

COMMENCING at the Northwest corner of said Section 7; thence along the West line of said Section 7 South $0^{\circ} 42' 15''$ East 42.84 feet to the POINT OF BEGINNING of this description; thence continuing along said West line of Section 7 South $0^{\circ} 42' 15''$ East 1219.94 feet; thence North $89^{\circ} 17' 45''$ East 218.58 feet; thence Southeasterly 441.87 feet along a tangent curve, concave to the Southwest, having a radius of 586.90 feet and a central angle of $43^{\circ} 08' 15''$ to the Northwesterly line of the 100-foot wide Modesto Irrigation District Lateral No. 7; thence along said Northwesterly line of Lateral No. 7 North $42^{\circ} 26'$ East 772.84 feet; thence Northerly 347.91 feet along a tangent curve, concave to the West having a radius of 485.30 feet and a central angle of $41^{\circ} 04' 30''$; thence along a tangent line North $1^{\circ} 21' 30''$ East 172.26 feet; thence South $89^{\circ} 51' 30''$ West 119.06 feet; thence North $0^{\circ} 08' 30''$ West 228.40 feet to the Southerly line of 100-foot wide Modesto Irrigation Lateral No. 6; thence along said Southerly line of Lateral No. 6 North $88^{\circ} 32' 45''$ West 983.08 feet; thence Westerly 198.67 feet along a tangent curve, concave to the North, having a radius of 352.90 feet and a central angle of $32^{\circ} 15' 19''$ to the point of beginning.

Including also the Northwesterly 50 feet of the Modesto Irrigation Lateral No. 7 and Southerly 50 feet of the Modesto Irrigation Lateral No. 6 all being immediately adjacent to the above described property.

Containing 30.46 Acres.

SECTION 2. USES. The following uses shall be permitted in said P-D(193) 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 maximum of 203 small lot single family residential units.
2. A boat and recreational vehicle storage area.
3. Recreation and open space areas including a swimming pool, tennis courts, and a tot lot.

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 7th day of August, 1978, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed

and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

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 Pridde*
Department of Planning and
Community Development

**Ordinance 1761 C.S.
Exhibit A – Map**

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

Ord. No. 1761-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 August, 1978, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 13, 1978

ORDINANCE NO. 1762 -C.S.

AN ORDINANCE AMENDING SECTION MAP 27-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (KENNETH GRAHAM)

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

SECTION 1. ZONING CHANGE. Section 27-3-9 of the Zoning
Map is hereby amended to reclassify the following-described property
from Medium High Density Residential Zone, R-3 to
Planned-Development Zone, P-D (194) :

ALL that real property situated in Section 27, Township 3 South,
Range 9 East, Mount Diablo Base and Meridian, described as follows:

ALL of Lot 17 in Block 1308 as shown on the map of Strathmore No. 1
recorded in Volume 19 of Maps at Page 30 and all of Parcel A as
shown on the map recorded in Book 26 of Parcel Maps at Page 45,
in the Stanislaus County Records.

Including also the Southerly 10 feet of the 20-foot alley,
immediately adjacent to the Northerly property lines of said
Lot 17 and Parcel A and also that portion of Scenic Drive situated
between the centerline of Scenic Drive and the Southerly property
lines of said Lot 17 and Parcel A.

SECTION 2. USES. The following uses shall be permitted in said P-D (194) 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 maximum of 8 one-story condominium dwelling units.
2. A minimum of 16 off-street parking spaces in accordance with the plan on file in the office of the Director of Planning and Community Development.
3. Recreation and open space areas including a swimming pool.

SECTION 3. ZONING MAP. Section Map 27-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. 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 August, 1978, by Councilmember Kullijian, 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: Elliott, Kullijian, Lang, Mensinger,
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

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 *Althin Priddy*
Department of Planning and
Community Development

Ordinance 1762 C.S.
Exhibit A – Map

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

Ord. No. 1762-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 August, 1978, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 13, 1978

ORDINANCE NO. 1763 -C.S.

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

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

SECTION 1. ZONING CHANGE. Section 21-3-9 of the Zoning
Map is hereby amended to reclassify the following-described property
from Medium Density Residential Zone, R-2 to
Planned-Development Zone, P-D (196) :

All that real property situated in Section 21, Township 3 South, Range 9 East,
Mt. Diablo Base and Meridian, in the City of Modesto described as follows:

All of Parcel "C" as shown on map recorded in Book 25 of Parcel Maps, at
Page 77, Stanislaus County Records.

SECTION 2. USES. The following uses shall be permitted in said P-D (196) 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 maximum of 30 one-story dwelling units.
2. A minimum of two parking spaces associated with each dwelling unit not including tandem parking, and a minimum of ten (10) visitor parking spaces in accordance with the plan on file in the office of the Director of Planning and Community Development.
3. Open space & recreation area including a swimming pool as shown on the plan on file in the office of the Director of Planning and Community Development.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1978, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Kulljian, Lang, Mensinger, Mayor Davies

NOES: Councilmembers: Dunlap, Elliott

ABSENT: Councilmembers: Siefkin

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

John R. Coyle
Department of Planning and
Community Development

Ord. No. 1763-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 August, 1978, Councilmember Lang 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: Elliott, Kullijian, Lang, Mensinger

NOES: Councilmembers: Dunlap

ABSENT: Councilmembers: Siefkin, Mayor Davies

APPROVED


CLAUDE H. DUNLAP, Acting Mayor

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 20, 1978

**Ordinance 1763 C.S.
Exhibit A – Map**

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

AN ORDINANCE AMENDING SECTION 4-2.07 OF CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO FIREARMS AND FIREWORKS.

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

SECTION 1. AMENDMENT OF CODE. Section 4-2.07 of Chapter 2 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-2.07. FIREARMS, FIREWORKS, ETC. It shall be unlawful:

(a) For any person to fire or discharge any pistol, gun, rifle, firearm, cannon, anvil loaded with powder, bow, air gun, or any other device whereby shot, bullets, or other dangerous missiles are discharged or projected, within the City of Modesto. Provided, however, that any person may, in or upon his own premises, shoot dangerous animals where necessary for the protection of life or property. And further provided, that cannon or anvils may be discharged pursuant to the written permission of the Chief of Police.

(b) To possess, fire, discharge or set off, within the City of Modesto, unless by virtue of a written permit of the Fire Chief, any fireworks or pyrotechnic device, other than those fireworks and pyrotechnic devices which have been examined by the State Fire Marshal, classified as "safe and sane", and which bear the State Fire Marshal's Seal of Registration.

(c) Provided, however, that nothing herein contained shall prohibit or prevent maintaining, conducting and/or carrying on shooting ranges or galleries within said City for rifle or pistol target practice where cartridges of the character and calibre commonly known as "22 calibre", and of no other calibre or size are used in such target practice. Provided, also, that consent, in writing, to the maintaining, conducting and/or carrying on of such shooting ranges or galleries shall first be had and obtained from the Council of the City and the opening, maintaining, conducting and/or carrying on thereof shall at all times be subject to and under the control of said Council.

(d) Provided further that nothing herein contained shall prohibit or prevent any person from using "model rockets" and "model rocket engines" in accordance with the regulations of the State Fire Marshal as set forth in Title 19 of the California Administrative Code.

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 August, 1978, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

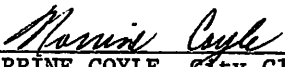
AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

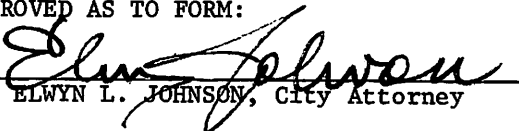
APPROVED: 
LEE H. DAVIES, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

Ord. No. 1764-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 August, 19 78, Councilmember Lang 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, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 20, 1978

ORDINANCE NO. 1765 -C.S.

AN ORDINANCE AMENDING SECTION MAP 12-3-8 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (VINTAGE FAIRE DEVELOPMENT
CO.)

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

SECTION 1. ZONING CHANGE. Section 12-3-8 of the Zoning

Map is hereby amended to reclassify the following-described property
from Professional Office Zone , P-O, to

Planned-Development Zone, P-D (195) :

Parcel "A" as shown on that certain parcel map filed for
record on December 2, 1977, in Book 26 of Parcel Maps,
Page 26, Stanislaus County Records, and being a portion
of the Northwest quarter of Section 12, Township 3 South,
Range 8 East Mount Diablo Base and Meridian.

Including the Easterly 50 feet of Dale Road and the
Northerly 30 feet of Veneman Avenue immediately
adjacent to said Parcel "A".

Contains 3.502 acres net.

SECTION 2. USES. The following uses shall be permitted in said P-D (195) 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. Uses as permitted in the P-O Zone plus a bank and a savings and loan.
- b. Off-street parking in accordance with the plan on file in the office of the Department of Planning and Community Development.

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 21st day of August, 1978, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger,
Siefkin, Mayor Pro Tempore Dunlap

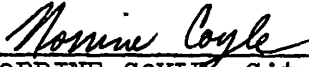
NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

APPROVED:


CLYDE H. DUNLAP, Mayor Pro
Tempore

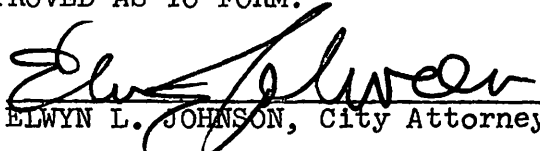
ATTEST:


NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By


ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By


Department of Planning and
Community Development

Ord. No. 1765-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28th day of August, 1978, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: 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: September 27, 1978

Ordinance 1765 C.S.
Exhibit A – Map

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

AN ORDINANCE GRANTING TO CABLECOM GENERAL OF MODESTO, A CALIFORNIA CORPORATION, A NONEXCLUSIVE FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN A COMMUNITY ANTENNA TELEVISION SYSTEM WITHIN THE CITY OF MODESTO.

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

SECTION 1. Unless it shall be apparent from the context that they have a different meaning, the following words and phrases shall have the meaning herein specified:

- A. "GRANTEE" shall mean Cablecom General of Modesto, a California corporation.
- B. "FRANCHISE DOCUMENTS" shall mean and include all of the following:

- (1) Article XIV of the Charter of the City of Modesto.
- (2) Chapter 4 of Title XI of the Modesto Municipal Code as it now exists or as it may hereafter be amended.
- (3) This ordinance.
- (4) The Acceptance of CATV Franchise form signed by the Grantee.

SECTION 2. This ordinance is enacted pursuant to the authority provided in, and all of the provisions, terms and conditions of Article XIV of the Charter of the City of Modesto and Chapter 4 of Title XI of the Modesto Municipal Code, entitled "Procedure for Granting Community Antenna Television Franchises."

SECTION 3. Pursuant to the provisions of said Chapter 4 of Title XI of the Modesto Municipal Code, a nonexclusive franchise to construct, operate and maintain a CATV system within the City of Modesto, for a term of fifteen (15) years commencing on the 5th day of October, 19 78, is hereby

granted to Grantee with all the rights and privileges and subject to each and all of the terms, conditions and limitations as set forth in the Franchise Documents.

The area included within the nonexclusive franchise granted hereby includes all areas within the City Limits of the City of Modesto, including all territory heretofore and hereafter annexed thereto, except that the City Council reserves the right to exclude territory from the franchise area at the time it is annexed to the City.

In areas hereafter added to Grantee's franchise area, Grantee shall provide service within One hundred twenty (120) days after such an area becomes a part of Grantee's franchise area. The City Manager may, in his discretion, extend said time for undeveloped or remote, relatively inaccessible areas.

SECTION 4. The following schedule of maximum rates and charges which Grantee may charge subscribers to the CATV system is hereby approved:

A. Installation Charges

- (1) Commercial and Residential (Including individual service to multiple apartments and mobilehome spaces)

Primary television outlet, normal installation	\$10.00
Additional television outlets	
(a) When installed at same time as Primary--each	No Charge
(b) When installed at different time--each	\$5.00
FM radio outlets	
(a) When installed at same time as TV primary outlet--each	No Charge

(b) When installed at different time--each	\$5.00
(2) Hotels, Motels, Mobilehome Parks and Multiple Apartments (3 or more units)	
Primary television outlet, normal installation	Actual Cost of Installation
Additional television outlets--each	Actual Cost of Installation
FM radio outlets--each	Actual Cost of Installation

For special installations involving unusual construction problems, long aerial cable run (over 150 feet), underground cable, etc., actual additional cost of installation at subscriber's expense.

B. Monthly Service Charges

(1) Commercial and Residential (Including individual service to multiple apartments and mobilehome spaces)	
Primary television outlet	\$5.95
Additional television outlets--each	\$1.00
FM radio outlet (with TV service)--each	\$.50
FM radio outlet (without TV service)	\$5.25
Additional FM outlets--each	\$.50
(2) Hotels, Motels, Mobilehome Parks and Multiple Apartments (3 or more units)--per dwelling unit	
Primary television outlet	\$2.90
Additional television outlets--each	\$1.00
FM radio outlet (with TV service)--each	\$.50
FM radio outlet (without TV service)	\$2.20
Additional FM outlets--each	\$.50
TV dealer and licensed TV service shops, multiple outlets, regardless of number	No Charge

- C. Other Charges
- | | |
|---|-----------|
| (1) Relocation of existing outlet | \$5.00 |
| (2) Connection of new customer to existing television service | \$5.00 |
| (3) Disconnection of service | No Charge |
- D. Converter charges (converter at option of subscribers)
- (1) Subscribers to have choice of following:
- | | |
|--|---------|
| (a) Deposit refundable after 24 months | \$17.50 |
| (b) Rental per month | \$.45 |
- E. Subscribers shall receive a ten (10%) percent discount on service charges paid one year in advance.
- F. In areas where Grantee's system has been installed, if service is not provided to a new subscriber for a single-family dwelling within fifteen (15) days after an application for service is received in Grantee's Modesto office, accompanied by the applicable installation charges, Grantee shall provide said subscriber with free service for a period of six (6) months.
- G. In areas where Grantee's system has been installed, if service is not provided to a new subscriber for a multiple-family dwelling within forty-five (45) days or any extension thereof granted by the City Manager, after an application for service is received in Grantee's Modesto office accompanied by the applicable installation charges, Grantee shall provide said subscriber with free service for a period of six (6) months.

H. In areas where Grantee's system must be extended to serve a subscriber in its franchise area, the system shall be constructed, installed and made operable so that service shall be provided either within thirty (30) days after an application for service or within one hundred twenty (120) days after the area in which the subscriber is located becomes a part of Grantee's franchise area, whichever is the later date.

After an application for service is received in Grantee's Modesto office, accompanied by the applicable installation charges, if service is not provided to such a subscriber within such time periods, or any extension thereof granted by the City Manager pursuant to Section 3 above, Grantee shall provide said subscriber with free service for a period of six (6) months.

I. Subscribers may be assessed a delinquency charge of Two and no/100ths (\$2.00) Dollars for any service charges overdue by ten (10) days or more after the end of the period for which a billing is made, provided a delinquent notice is mailed at the end of said period.

Said schedule of rates and charges may be changed only with the prior approval of the City Council expressed by resolution.

SECTION 5. As consideration for the granting of this franchise and the rights and privileges thereof, Grantee shall, during the term hereof, pay a sum equal to three (3%) percent of the gross annual subscriber receipts of Grantee, in accordance with the provisions of Chapter 4 of Title XI of the Modesto Municipal Code.

SECTION 6. Grantee shall comply with all the Technical Performance Standards set forth in Section 11-4.17 of the Modesto Municipal Code, as it now exists or may hereafter be amended, except as hereinafter specified:

A. Section 11-4.17 (a) (17) shall not apply to Grantee until July 1, 1978. From the effective date of this ordinance until said date, Grantee's CATV system shall, as a minimum, be capable of operating in full compliance with the applicable Modesto Municipal Code requirements, over the radio frequency spectrum from 54 to 120 MHz inclusive, and from 174 to 216 MHz inclusive. During this interim period, the system shall be capable of a minimum of twelve (12) channel operation.

B. Section 11-4.17 (c) - Local Origination Studio. Grantee's existing color studio cameras, on the effective date of this ordinance, do not meet the minimum standards required for color studio cameras. These existing color studio cameras may remain in use and satisfy the Modesto Municipal Code color studio camera requirements for the remainder of their useful life or until July 1, 1983, whichever occurs first. By said date Grantee's color studio cameras shall meet all technical performance standards set forth in the Modesto Municipal Code. In the interim period, Grantee's existing color studio cameras shall meet the camera manufacturer's published specifications.

C. Section 11-4.17 (d) - Portable Color Production System. Grantee's existing black and white portable production system, on the effective date of this ordinance, does not meet the minimum standards required for portable color production system. This existing black and white portable production system may remain in use and satisfy the Modesto Municipal Code portable color production system requirements for the remainder of its useful life or until July 1, 1982, whichever occurs first. By said date Grantee's portable color production

system shall meet all technical performance standards set forth in the Modesto Municipal Code. In the interim period, Grantee's existing black and white portable production system shall meet the manufacturer's published specifications.

SECTION 7. Grantee shall provide public access and education channels as follows:

A. Grantee shall provide use of a standard low band or high band VHF channel FCC (2-13) as a public access channel which meets the minimum standards specified in Section 11-4.17(b) of the Modesto Municipal Code and rules contained within FCC Rules and Regulations 76.256(d)(1). Said FCC Rules and Regulations require first-come, nondiscriminatory access and prohibit the presentation of: any advertising material designed to promote the sale of commercial products or services (including advertising by or on behalf of candidates for public office), lottery information, and obscene or indecent matter. A complete public record of the names and addresses of all persons or groups requesting access time shall be made and retained for a period of two (2) years.

B. Grantee shall provide use of a standard low band or high band VHF channel (2-13) as a "public" educational channel which meets the minimum standards specified in Section 11-4.17(b) of the Modesto Municipal Code. School districts within Grantee's franchise area will have priority use of the channel subject to advance scheduling with Grantee. Access to this channel shall be provided by Grantee at Grantee's local origination studio and from the East Campus of the Modesto Junior College at the campus headend facilities. Grantee shall provide the Modesto Junior College with direct access to said channel

by automatic remote switching capability from said campus headend facilities. All equipment and inter-campus and intra-campus cabling at the Modesto Junior College shall be the responsibility of the Modesto Junior College.

C. Three (3) of the mid-band channels required by Section 11-4.17(a)(17) of the Modesto Municipal Code shall be for exclusive use of the schools. Programming on these channels shall be scheduled by the school districts within Grantee's franchise area acting jointly.

D. For educational programming, an operating agreement shall be entered into by the Grantee and participating school districts defining the responsibilities of both parties with regard to, but not limited to, the use of production facilities, supervision of educational access, payment for damage to Grantee's equipment, and responsibility for engineering activities. The City of Modesto reserves the right to participate in and/or witness the drawing of this agreement. In the event of a dispute over drafting of an agreement or its implementation, the City shall have final authority.

SECTION 8. Grantee shall provide a television signal return capability from the following locations of the type shown and by the dates or times shown:

	<u>Date</u>
A. Modesto City Council Chambers (VHF)	From the effective date of this ordinance.
B. Modesto City Fire Station No. 1 (Mid-band)	From the effective date of this ordinance.
C. Headend facilities of the East Campus of the Modesto Junior College (VHF)	From the effective date of this ordinance.
D. Modesto City Fire Department Training Facility (Mid-band)	December 31, 1978.
E. Stanislaus County Board of Supervisors Chambers (VHF)	December 31, 1979.

- | | | |
|----|--|---|
| F. | Stanislaus County Department of Education
Instructional Materials Center (Mid-band) | September 1, 1980. |
| G. | Downey High School (Room One) (Mid-band) | September 1, 1980. |
| H. | Modesto High School Auditorium (VHF) | September 1, 1981. |
| I. | Modesto Community Center (VHF) | Completion of the Modesto
Community Center or each
phase thereof. |

SECTION 9. Grantee's CATV system shall carry those television channels (broadcast signals) for which they are certified by the FCC and may carry other channels which are legally permissible.

SECTION 10. The CATV system herein franchised shall be used and operated solely and exclusively for the purpose expressly authorized by this ordinance and Chapter 4 of Title XI of the Modesto Municipal Code and no other purpose whatsoever, unless prior approval is given by the City Council expressed by resolution.

SECTION 11. All of the franchise documents pertaining to the within franchise are hereby incorporated by reference into this ordinance, and shall be deemed to be a part of this ordinance.

SECTION 12. In addition to the provisions of Chapter 4 of Title XI of the Modesto Municipal Code, in the event Grantee has failed to comply with any material provisions of the franchise documents, the City shall have the right to acquire the property and equipment of Grantee at a value which is equal to the initial cost of the various items of property and equipment less accumulated depreciation less any liens or encumbrances against such property and equipment outstanding as a result of any contracts or agreements entered into by Grantee.

In the event the City exercises this right or its right of eminent domain, Grantee shall continue to operate the system, subject to the direction and account of the City, so as to prevent interruption of service to subscribers until the acquisition can be completed.

SECTION 13. This ordinance shall supersede and replace Ordinance No. 934-C. S., as amended by Ordinance No. 1337-C. S.

SECTION 14. This ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided that Grantee, prior to said effective date, shall have filed with the City Clerk written acceptance thereof and an agreement to be bound by and comply with all of the requirements thereof, and of Chapter 4 of Title XI of the Modesto Municipal Code, as amended by Ordinance No. 1741 -C. S., and delivers to the City Clerk the bond and insurance policies required to be furnished pursuant to the provisions of Chapter 4 of Title XI of the Modesto Municipal Code.

SECTION 15. 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 August, 1978, 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, Lang, Mensinger, 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. 1766-C.S.

FINAL ADOPTION CLAUSE

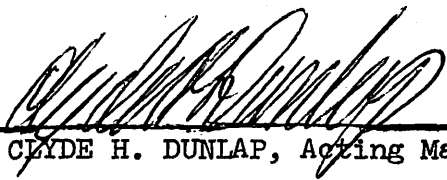
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of September, 1978, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

APPROVED


CLYDE H. DUNLAP, Acting Mayor

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 5, 1978

MODESTO CITY COUNCIL
ORDINANCE NO. 1767-C.S.

AN ORDINANCE AMENDING SECTION 10-2.1622 OF ARTICLE 16 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO THE SUBDIVISION REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.1622 of Article 16 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.1622. AREA CREDIT FOR DEDICATION OF STREET RIGHT-OF-WAY. Area credits may be granted to the owner of property from which street right-of-way is dedicated as set forth hereinafter. Such credit shall be for the purpose of meeting the minimum square footage area requirements specified by this Code for lots in the zone in which the property is located. Where such dedication would entitle an owner to an area credit under more than one of the following subsections, the owner shall be entitled to the greater of the two area credits.

(a) Widening of an Existing Right-of-Way. An area credit may be granted by the City Council to a property owner for the dedication of residentially zoned property to widen an existing right-of-way. The owner of land shall enter into an agreement with the City of Modesto to dedicate such right-of-way in return for such credit. No credit shall be granted where the owner of the property is required to make a dedication of land for street right-of-way.

(b) Dedication for Certain Collector Streets. An owner of land who is required to dedicate street right-of-way for an existing or to-be-developed collector street in excess of that required for a sixty (60') foot wide right-of-way shall be entitled to an area credit to the extent that the property dedicated is within two hundred fifty (250') feet of a designated major street. The area credit shall apply only to the lots adjacent to the property being dedicated.

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.

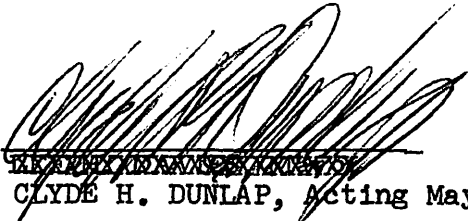
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 1978, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Acting Mayor Dunlap


NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

APPROVED:


~~ELWYN L. JOHNSON, City Attorney~~
CLYDE H. DUNLAP, Acting Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

Ord. No. 1767-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 18th day of September, 1978, 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, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 18, 1978

ORDINANCE NO. 1768 -C.S.

AN ORDINANCE REPEALING SECTIONS 9-8.04.1, 9-8.04.2, 9-8.04.3, 9-8.04.4, 9-9.03.1, 9-9.03.2, 9-9.04.1 AND 9-9.09.1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE DANGEROUS BUILDINGS CODE AND HOUSING CODE.

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

SECTION 1. REPEALS. Sections 9-8.04.1, 9-8.04.2, 9-8.04.3, 9-8.04.4, 9-9.03.1, 9-9.03.2, 9-9.04.1 and 9-9.09.1 of Title IX of the Modesto Municipal Code are hereby repealed.

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

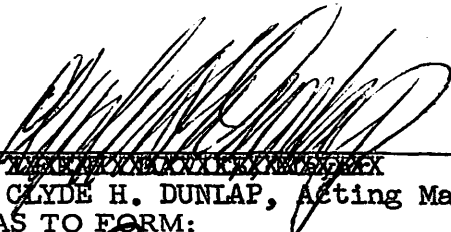
SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 1978, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

APPROVED: 
~~CLYDE H. DUNLAP~~
CLYDE H. DUNLAP, Acting Mayor

APPROVED AS TO FORM:

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

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

(SEAL)

Ord. No. 1768-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 18th day of September, 1978, 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, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 18, 1978

ORDINANCE NO. 1769 -C.S.

AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (R. L. SESSIONS DEVELOPMENT COMPANY)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by R. L. Sessions Development Company

on June 15, 1978, 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 July 18, 1978, 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. 78-135, adopted on July 18, 1978, the Planning Commission recommended to the Council that the application of R. L. Sessions Development Company

to amend Section 21-3-9 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 September 11, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

- a. The proposed R-2 Zone residential density is appropriate for the site due to its location on E. Granger Avenue, a heavily traveled and important cross-town collector street.
- b. The design constraints of the R-2 Zone, with its requirement for Planning Commission plot plan review assure that compatibility with existing residential areas will be maintained.
- c. The requested R-2 zoning will provide for a varied housing type in the East McHenry Neighborhood as called for in the Modesto Urban Area General Plan.

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 portion of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows: Commencing at the Northwest corner of the Northeast quarter of the Northeast quarter of the Northwest quarter of said Section 21; thence East along the North line of said Section 21, 165 feet to the point of beginning of this description; thence South 390 feet, more or less, to the center of a pipeline (formerly a ditch); thence East along the center of said pipeline, 165 feet to a point on the West line of the property conveyed to Richard C. Phillips and Emma E. Phillips, his wife, by deed dated October 20, 1920 and recorded October 23, 1920 in Volume 325 of Deeds, at Page 70; thence North along the West line of said Phillips property, 390 feet to the North line of said Section 21; thence West along the North line of said Section 21, 165 feet to the point of beginning.

Excepting therefrom the East 104 feet thereof.

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 11th day of September, 1978, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger,
Siefkin, Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

APPROVED:


~~CLYDE H. DUNLAP, Acting Mayor~~
CLYDE H. DUNLAP, Acting Mayor

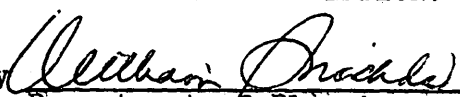
ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and
Community Development

Ord. No. 1769-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 18th day of September, 1978, 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, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 18, 1978

Ordinance 1769 C.S.
Exhibit A – Map

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

AN ORDINANCE AMENDING SECTION MAP 19-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (RULE DEVELOPMENT)

WHEREAS, a verified application for an amendment to Section 19-3-9 of the Zoning Map was filed by Rule Development

on June 15, 1978, 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 July 18, 1978, 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. 78-134, adopted on July 18, 1978 the Planning Commission recommended to the Council that the application of Rule Development

to amend Section 19-3-9 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 September 11, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

- a. The subject property, by virtue of its location, possesses many characteristics suitable for medium density residential development including proximity to a vast and diversified amount of retail commercial, service, and entertainment development, elementary school and city park, automobile access, and city bus service.
- b. The proposed R-2 zoning is proposed to be developed as an integral part of a subdivision in conjunction with a much larger adjacent parcel already zoned R-2.
- c. The density of development resulting from the proposed R-2 zoning would not exceed previously approved densities or present permitted densities under alternate style development.

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 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:

Parcel 1

Parcel "A" as shown and designated on that certain Parcel Map filed in the office of the County Recorder of Stanislaus County, California, on November 10, 1966, in Volume 2 of Parcel Maps, Page 94.

Parcel 2

Beginning at a point on the North line of said Section 19, a distance of 2089.56 feet East of the Northwest corner of said Section; being the Northwest corner of land conveyed to Mattie J. French, by Deed from John W. McDonald and wife, dated April 11, 1908 and recorded April 11, 1908 in Book 112 of Deeds at Page 583; thence South 4° 30' West, 73.26 feet, more or less, to the most easterly corner of land, now or formerly owned by Peter Brunoid; thence West 291.72 feet; thence North 73.26 feet to Section line; thence East along the North line of said Section 295.68 feet more or less, to the point of beginning.

Parcel 3

ALL of Lot B as shown on the map of Dunham Tract filed in Volume 16 at Page 15 in the Stanislaus County Records and also the Southerly 30 feet of Evergreen Avenue immediately adjacent to said Lot B.

EXCEPTING therefrom that portion of Evergreen Avenue, as contained in Parcel 2, lying between the existing centerline of Evergreen Avenue and the North line of said Section 19, immediately adjacent to the above described property.

EXCEPTING also, all that portion of said Parcel 1 and Parcel 2, being described as follows:

Commencing at the northwest corner of said Section 19, thence South 89° 21' 30" East along the north line of said Section 19 a distance of 1210.90 feet, thence South 0° 34' 22" East a distance of 10.00 feet to the centerline of Evergreen Avenue and the true point of beginning of this description; thence South 89° 21' 30" East along said centerline of Evergreen Avenue, parallel to and 10.00 feet distant southerly at right angles from the aforementioned north line of Section 19, a distance of 751.69 feet; thence South 0° 34' 30" East a distance of 308.49 feet; thence North 89° 21' 30" West a distance of 752.27 feet; thence North 0° 34' 22" West a distance of 308.49 feet to the point of beginning.

Containing 1.7 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.

Ord. No. 1770-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 18th day of September, 1978, 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, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 18, 1978

**Ordinance 1770 C.S.
Exhibit A – Map**

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

AN ORDINANCE AMENDING SECTIONS 10-2.604, 10-2.704, 10-2.801, 10-2.1101, 10-2.1808, 10-2.1810, 10-2.3002.2, 10-2.3502, 10-2.3503, 10-2.3508, 10-2.3509 AND 10-2.3510 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTIONS 10-2.253.3 AND 10-2.253.4 THERETO RELATING TO THE ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 10-2.604, 10-2.704, 10-2.801, 10-2.1101, 10-2.1808, 10-2.1810, 10-2.3002.2, 10-2.3502, 10-2.3503, 10-2.3508, 10-2.3509 and 10-2.3510 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

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

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

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

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

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

(c) Any plot plan review granted by the Planning Commission or Council becomes null and void if not exercised within one year from the date of approval of said plot plan.

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

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

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

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

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

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

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

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

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

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

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

(c) Any plot plan review granted by the Planning Commission or Council becomes null and void if not exercised within one year from the date of approval of said plot plan.

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 news stand.
- (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) Pet clinic.
- (61) Photographic studio, film processing.
- (62) Pumpkin sales.
- (63) Radio and television sales and repair.
- (64) Record sales.
- (65) Repair shops, such as: bicycle, camera, fountain pen, lawn mower sharpening, knife and tool, musical instrument, saw sharpening, key duplication, and handyman repair service.
- (66) Schools, such as music, art, dramatics, language, children's dancing, correspondence.
- (67) Service station.
- (68) Shoe repair shop, shoe shine parlor, shoe sales.
- (69) Sporting goods.
- (70) Storm drainage basins and related facilities.
- (71) Tailor and seamstress shop, including pressing.
- (72) Taxi stand.
- (73) Toy shop.
- (74) Upholstery material store.
- (75) Variety store.
- (76) 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. 10-2.1101. PERMITTED USES. In an M-1 zone only the following uses are permitted as are hereinafter specifically provided and allowed:

(a) Any use permitted in the C-M zone, and the following uses, provided they are accessory to, incidental to and located upon the same piece of property as a commercial or an industrial use permitted in this zone:

(1) School.

(2) Church.

(3) Hospital.

(4) Dwelling.

(b) Armature rewinding shop.

(c) Battery rebuilding.

(d) Blacksmith shop.

(e) Bottling plant.

(f) Brewery.

(g) Distributing plant.

(h) Draying, freighting or trucking yard or terminal.

(i) Flour mill.

(j) Food products manufacturing, storage and processing of, except lard, pickles, sauerkraut, sausages or vinegar.

(k) Fruit and vegetable canning, preserving and freezing.

(l) Garment manufacture.

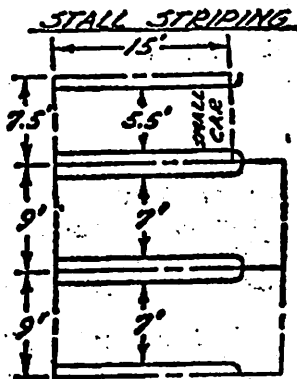
- (m) Hatchery, and sale of baby chicks.
- (n) Ice and cold storage plant.
- (o) Lumber yard; building materials sales and storage, including rock, sand, gravel, brick and building blocks, but excluding concrete mixing, building block manufacture and rock crushing.
- (p) Machine shop; welding shop provided that all welding shall be conducted within an entirely enclosed building or solid fence or wall not less than six (6') feet in height.
- (q) Manufacture of prefabricated buildings.
- (r) Manufacture, compounding, processing, packaging or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals and toiletries.
- (s) Manufacture, compounding, assembly or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt fiber, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, rubber, shell, straw, textiles, tobacco, wood, wool and yarn.
- (t) Manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, sheet metal products, venetian blinds, window shades and awnings.
- (u) Manufacture of musical instruments, toys, novelties, rubber and metal stamps, cameras and photographic equipment, business machines, household equipment.
- (v) Massage and bath establishments and schools of massage.
- (w) Mill, planing, except that burning operations shall require a conditional use permit, as set forth in Article 20 of this chapter.
- (x) Paint mixing, providing a boiling process is not employed, no tank farm is permitted and above-surface thinner storage is limited to two hundred (200) gallons.
- (y) Pipe line booster, or pumping plant in connection with water, oil, petroleum, gasoline or other petroleum products.

- (z) Plastics, fabrication from
- (aa) Poultry and rabbit slaughter, including custom dressing.
- (bb) Public utility service yard or electrical receiving and/or transforming stations.
- (cc) Rubber, fabrication of products made from finished rubber.
- (dd) Shoe manufacture.
- (ee) Soap manufacture, cold mix only.
- (ff) Stone monuments and tombstone works.
- (gg) Storage space for transit and transportation equipment, except freight classification yards.
- (hh) Textile manufacture.
- (ii) Tile manufacture of wall and floor tile and related small tile products.
- (jj) Truck repairing, overhauling and rental.
- (kk) Accessory bulk fuel storage of Class II flammable liquids for power needs for food processing plants.
- (ll) Accessory uses and buildings customarily incidental to the above.

SEC. 10-2.1808. REQUIRED IMPROVEMENT, LANDSCAPING AND MAINTENANCE OF PARKING AREA. Every lot or parcel used as a public or private parking area shall be developed and maintained in the following manner:

(a) Surface of Parking Area. Parking areas shall be paved with a minimum of two (2") inches of asphalt concrete surfacing and shall be so graded and designed as to dispose of all surface water in accordance with requirements of the City Engineer.

(b) Striping of Parking Area. All parking areas of five (5) or more spaces shall be marked by either striping or buttons to delineate approved stalls as shown on the plans required by Section 10-2.1801(c)



The stalls shall be double striped as shown in the diagram. Painted line width shall be 4". If buttons are used they shall be 3 1/2-4" in diameter, spaced no more than 3' on center. The lines shall be laid parallel to, and 1' within each stall, 15' in length, not including the semicircular cap.

(c) Landscaping of Parking Areas.

(1) All parking areas excepting parking areas in C-M, M-1, and M-2 Zones shall be screened along all of those portions which abut a street, as follows:

(aa) A planter, a minimum forty (40") inches in width, with landscaping and underground irrigation.

(ab) Such landscaping shall include a decorative masonry pilaster and grapestake fence, or screen evergreen plantings, or a landscape mound or a combination thereof that average a minimum of three (3') feet and a maximum of four (4') feet in height from the elevation of the parking area to serve as a visual screen.

(ac) Such landscaping shall be designed so as not to constitute a traffic hazard at the driveway approaches to the adjacent public streets and alleys. The "clear vision triangle" of Section 10-2.1609 shall also apply.

(2) All parking areas of five (5) or more spaces excepting parking areas in C-M, M-1 and M-2 zones, shall have a minimum of five (5%) percent of the gross area of the parking area landscaped. Such landscaping shall be distributed throughout a parking area, not clustered in any one area, as follows:

(aa) A minimum of two-fifths (2/5) of the required landscaping shall be "interior" landscaping. Interior landscaping is landscaping that is not located along the periphery of a parking area or aligned in any distinct way with peripheral landscaping.

(ab) Up to three-fifths (3/5) of the required landscaping may be placed in peripheral landscaping areas along the edges of the parking area. The planter required by subsection (c)(1)(aa) above shall be credited towards this requirement.

(ac) For those parking areas with one aisle and only one or two rows of parking stalls, the entire required landscaping may be applied to the periphery.

(3) All parking areas of twenty (20) or more spaces excepting parking areas in C-M, M-1 and M-2 Zones, shall be planted with a minimum of one tree of three-quarter (3/4") inch minimum caliper for every twenty (20) spaces or fraction thereof. Trees of three-quarter (3/4") inch or larger existing on a site prior to development shall be saved where possible and can be credited toward this requirement. The landscaping plan shall show the location of all trees of three-quarter (3/4") inch caliper or larger, indicating those to be saved and those to be removed. Trees shall be provided tree wells of four (4') foot by four (4') foot minimum size and shall have an underground irrigation system. Trees required by this section shall be distributed throughout the parking area in the interior landscape areas.

They shall not be clustered in any one area or located on the periphery.

(4) Prior to the issuance of a building permit on any parking area of five (5) or more spaces, excepting parking areas in C-M, M-1 and M-2 Zones, the applicant shall submit a landscaping plan for said parking area approved by the Director of Parks and Recreation. Said landscaping plan shall comply with the provisions of Section 10-2.1515. Landscaping plan review shall include but not be limited to; a check to make certain the five (5%) percent landscaping requirement has been met; trees, when required, have been provided in the proper ratio to parking spaces and are appropriate species; the landscaping and trees are reasonably distributed throughout the parking area; forty (40") inch screening along streets is provided; that all landscaping areas are adequately served with underground irrigation systems; and that existing trees of three-quarter (3/4") inch caliper or larger to be saved are worth saving and those to be removed, must be removed to adequately develop the parking area.

(5) Every parking area existing prior to the effective date of this ordinance, of five (5) spaces or more, excepting parking areas in C-M, M-1 and M-2 Zones, hereafter enlarged, reconstructed, altered, or changed shall be subject to these landscaping requirements as follows:

(aa) For those enlargements, reconstructions, alterations or changes that result in the loss of spaces, or result in no change in the number of spaces, or add not more than twenty-five (25%) percent additional spaces, no landscaping shall be required.

(ab) For those enlargements, reconstructions, alterations or changes that add between twenty-five (25%) percent and fifty (50%) percent additional spaces, the landscaping standards shall apply only to the added spaces.

(ac) For those enlargements, reconstructions, alterations or changes that add fifty (50%) percent or more additional spaces, the landscaping standards shall apply to the entire parking area, including existing spaces and those to be added.

(ad) The above percentages shall be calculated on the basis of two factors. The first factor shall consist of the total number of stalls before enlargement, reconstruction, alteration or change less any stalls removed from the same parking area as a result of the enlargement, reconstruction, alteration or change. The second factor shall consist of the total number of stalls in the parking area after enlargement, reconstruction, alteration or change less the first factor. The percentage shall be derived by dividing the first factor by the second factor.

(ae) For the purposes of interpreting the applicability of subsections (aa) through (ad) above with regard to two (2) or more enlargements, reconstructions, alterations or changes to a parking area, any two (2) or more enlargements, reconstructions, alterations or changes to a parking area within any twelve (12) month period shall be considered as one enlargement, reconstruction, alteration or change.

(6) Every parking area created after the effective date of this ordinance, of five (5) spaces or more, excepting parking areas in C-M, M-1 and M-2 Zones hereafter enlarged, constructed, altered or changed shall meet these landscaping requirements in full.

(d) Border Barricades and Screening.

(1) Every parking area that is not separated by a fence, wall or landscaped area from any alley property line upon which it abuts, shall be provided with a suitable concrete curb or timber barrier not less than six (6") inches in height; located not less than two (2') feet from such alley property lines, and such curb or barrier shall be securely installed and maintained, provided no such curb or barrier shall be required across any driveway or entrance to such parking area.

(2) Every parking area that abuts a fence, wall or landscaped area required by provisions of this chapter shall be separated from such fence, wall or landscaped area by a suitable wheelstop consisting of a concrete curb or timber barrier not less than six (6") inches in height, located not less than two (2') feet from such fence, wall or landscaped area, and such curb or barrier shall be securely installed and maintained. If low-lying plant materials, that will permit a two (2') foot vehicular overhang are specified in an approved landscaping plan, a six (6") inch concrete curb can be utilized for a planter border as well as a wheelstop.

(3) Every parking area with an aisle that abuts a fence, wall or landscaped area shall have said aisle separated from such fence, wall or landscaped area by a suitable wheelstop consisting of a concrete curb or timber barrier not less than six (6") inches in height and not less than four and one half (4.5') feet from such fence, wall or landscaped area. Such curb or barrier shall be securely installed and maintained. If low-lying plant materials, that will permit a four and one-half (4.5') foot vehicular overhang are specified in an approved landscaping plan, a six (6') inch concrete curb can be utilized for planter border as well as a wheelstop.

(4) Every parking area abutting property located in one of the "R" zones shall be separated from such property by a solid wall or view-obscuring fence six (6') feet in height measured from the grade of the finished surface of such parking area closest to the contiguous "R" Zone property provided that in all zones which require a front yard, fences on corner lot shall meet the vision clearance requirements of Section 10-2.1609. No such wall or fence need be provided where the elevation of that portion of the parking area immediately adjacent to an "R" zone is six (6') feet or more below the elevation of such "R" zone property along the common property line.

(e) Lighting and Maintenance.

(1) All parking areas of five (5) or more spaces shall have an average of one-half (0.5) foot candle illumination per square foot of parking area for better visibility and security during use of said parking area during darkness. Wiring for illumination shall be underground unless existing overhead lines can serve the need without any additional overhead lines.

(2) Each parking area of five (5) spaces or more existing prior to the effective date of this section hereafter enlarged, constructed, altered, or changed shall be subject to the above illumination requirements in the same manner as required for landscaping in Section 10-2.1808(c)(5)(aa), (ab), (ac), and (ad).

(3) Any lights provided to illuminate any parking area shall be arranged so as to reflect the light away from any area upon which a dwelling is located.

(4) Every parking area and all improvements thereon including but not limited to pavement, striping, lighting, fences, walls, landscaping and irrigation systems shall be maintained and be kept free of weeds, trash and other debris.

SEC. 10-2.1810. TEMPORARY PARKING LOTS DOWNTOWN.

(a) Modified Standards. If an off-street parking area meets the qualifications set forth below, the following modifications in standards in this Article 18 may be made:

(1) The minimum width of each parking space shall be eight feet, four inches (8'4").

(2) The turnaround or end driveway width (G) as shown on the diagram in Section 10-2.1801 shall be a minimum of thirteen (13') feet.

(3) The surface may be a sand-asphalt pavement.

(4) Storm drainage to be approved by the Public Works Department may allow up to one-half (1/2) of the parking area to drain across the adjacent sidewalks with the balance permitted to drain to an adjacent alley.

(5) Exemption from the landscaping provisions of Section 10-2.1808(c).

(b) Qualifications. To qualify as a temporary parking lot downtown, subject to the modified standards noted above, all of the following conditions shall be met:

(1) The property shall be entirely within the Downtown P-D Zone area as defined in Section 10-2.2711 of this Code.

(2) None of the spaces shall be required by this Code including but not limited to joint use parking by covenant and common parking.

(3) The maximum term shall be five (5) years from date of issuance of a building permit for said temporary parking lot.

(c) Plot Plan. The applicant shall provide a complete plot plan drawn to scale of not less than one inch for each twenty (20') feet to assist the staff in evaluating the proposed development.

The plot plan shall include but not be limited to:

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

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

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

(4) The location of all land to be dedicated to or reserved for public use.

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

(6) All dimensions pertinent to any requirement of the Municipal Code.

(d) Time Extension. A maximum five (5) years additional use of a temporary parking lot may be granted for good and sufficient reasons by the Planning Commission after four (4) years of use.

SEC. 10-2.3002.2. PLOT PLAN. The applicant for a use authorized in the P-O Zone is required to provide a complete plot plan drawn to scale of not less than one (1") inch for each twenty (20') feet to assist the staff, Board of Zoning Adjustment and Planning Commission in evaluating the proposed development.

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

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

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

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

(4) The location of all land to be dedicated to or reserved for public use.

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

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

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

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

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

(c) Any plot plan review granted by the Board of Zoning Adjustment, Planning Commission or Council becomes null and void if not exercised within one year from the date of approval of said plot plan.

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

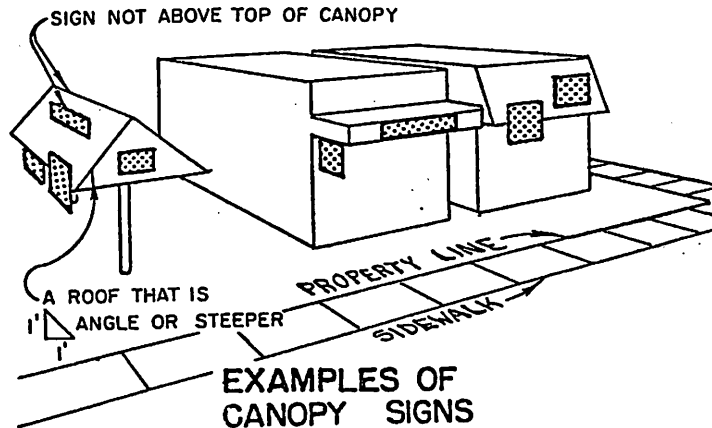
Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except where two (2) such faces are placed back to back and are at no point more than two (2') feet from one another, the area of the sign shall be taken as the area of one face if the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

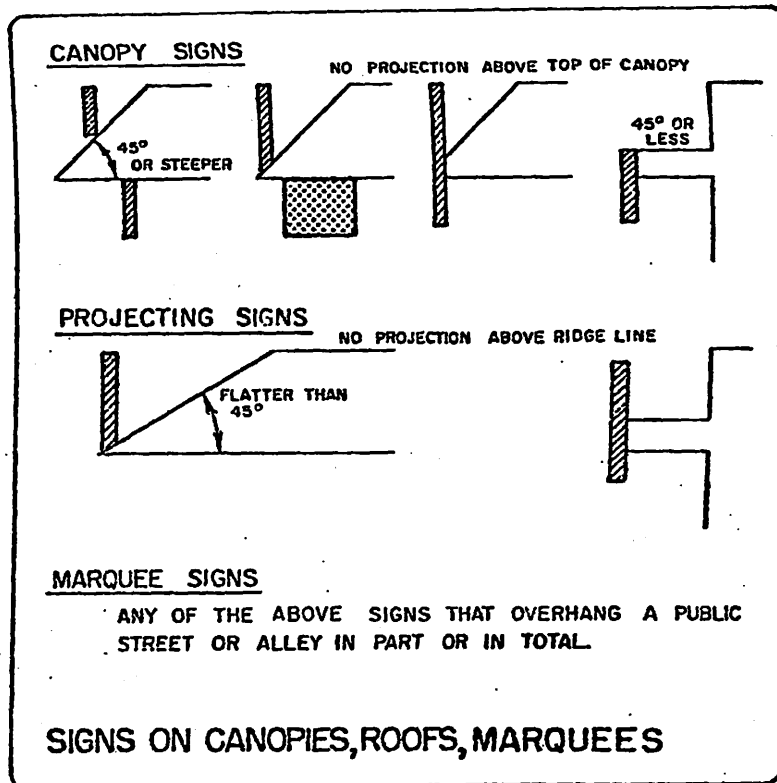
(b) "Bench Sign" shall mean a bench located outdoors with advertising matter thereon.

(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.



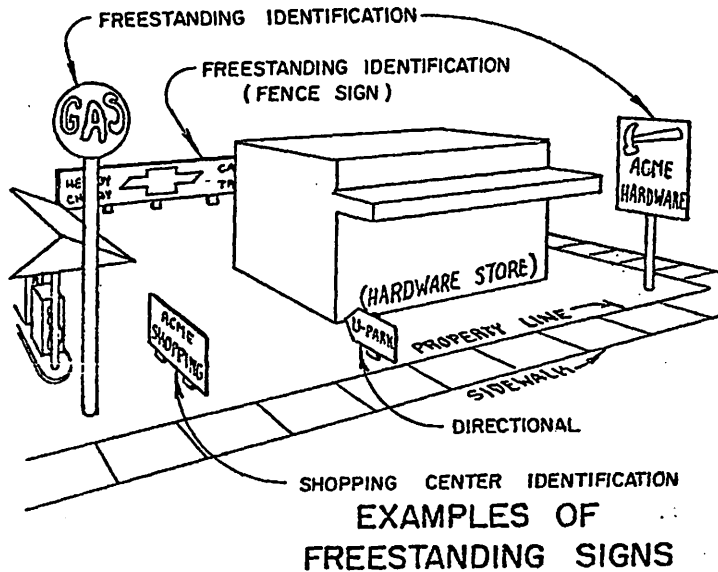


(f) "Construction Sign" shall mean a sign with the names of the architects, engineers, contractors, sub-contractors and financing agencies of buildings and structures being constructed upon the premises on which the sign is located.

(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.



(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.

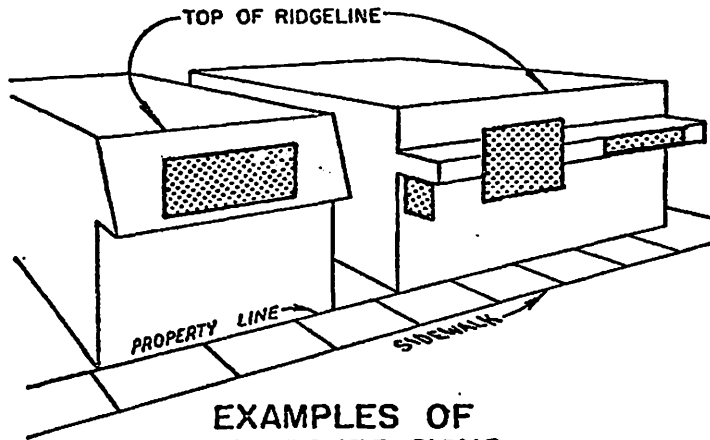
(k) "Height" shall mean the vertical distance from the highest point used in measuring the area of a sign to the top of curb of the street at a point which is closest to the highest point of the sign.

(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.

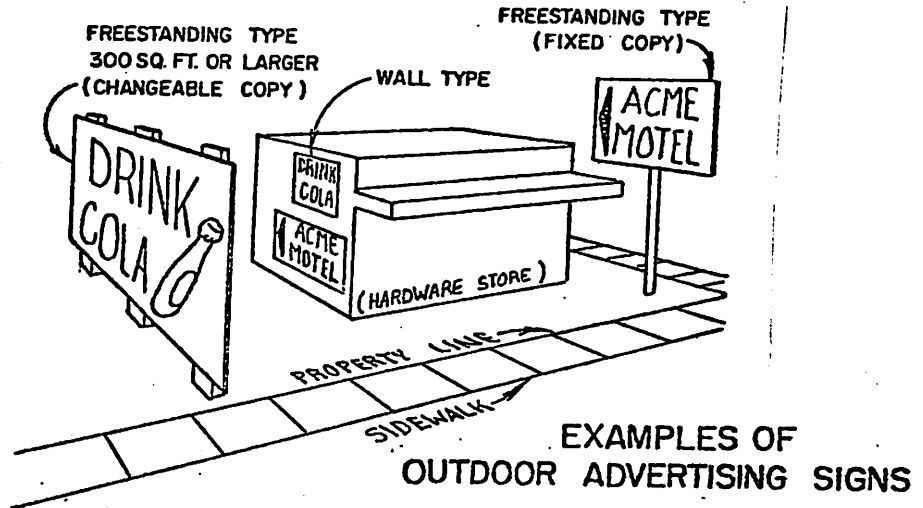


EXAMPLES OF
MARQUEE SIGNS

(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.



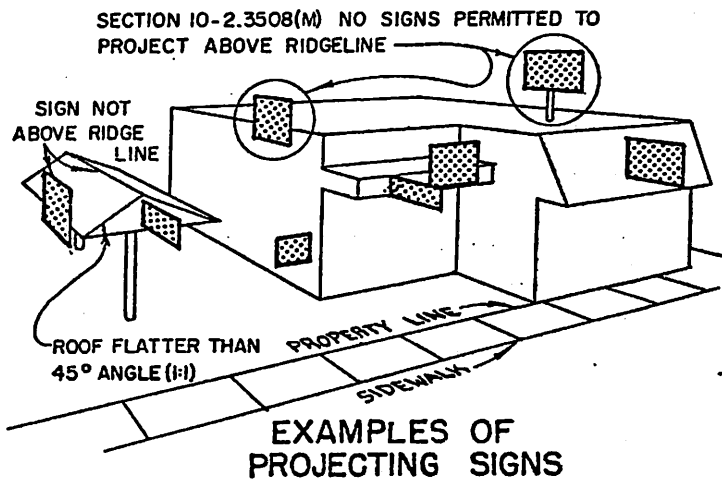
(s) "Political Sign" shall mean any impermanent sign or advertising device or display, with or without letters, words, numbers or figures thereon, which is designed to advertise a candidate for political office, a political party, or a measure scheduled for an election.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

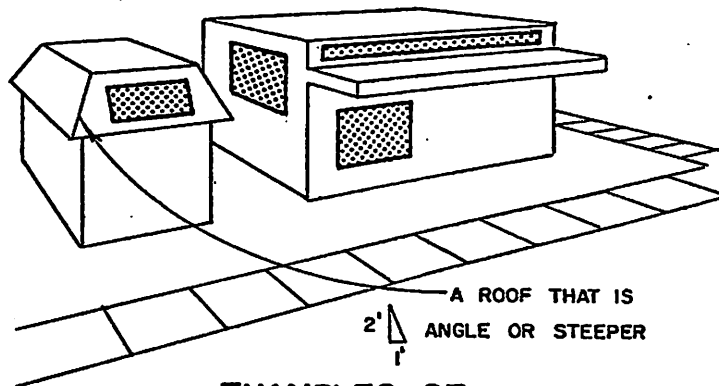
(z) "Temporary Sign" shall mean any banner, pennant, valance, balloon, streamer, placard, "A" frame, sandwich board or similar impermanent sign or advertising device or display with or without letters, words, numbers or figures thereon which directs, promotes service or price, or which is otherwise designed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

- (1) For Sale or Rent Sign
- (2) Garage Sale Sign
- (3) Open House Directional Sign
- (4) Political Sign
- (5) Signs for Fireworks Stands, Pumpkin Sales,
and Christmas Tree Sales Lots
- (6) Window Sign

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

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

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



EXAMPLES OF
WALL SIGNS

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

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

SEC. 10-2. 3503. ADMINISTRATION. (a) Duty to Enforce. It is the duty of the Chief Building Official to enforce all of the provisions of this article.

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

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

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

- (1) Construction Sign
- (2) For Sale or Rent Sign
- (3) Garage Sale Sign
- (4) Interior Directional, Warning, or Information Sign

(5) Name Plate, one (1) square foot maximum size

(6) Open House Directional Sign

(7) Political signs permitted by Sections 10-2.3509 or 10-2.3510 of these sign regulations.

(8) Signs for Fireworks Stands, Pumpkin Sales, and Christmas Tree Sale lots

(9) Subdivision Directional Sign

(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, lot to which or upon which the sign is to be attached, erected, or painted.

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

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

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

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

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

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

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

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

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

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

(i) Permit Fees. Each application for a sign for which a permit is required by this article and each application for a change of copy of 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.

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

SEC. 10-2.3508. 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:

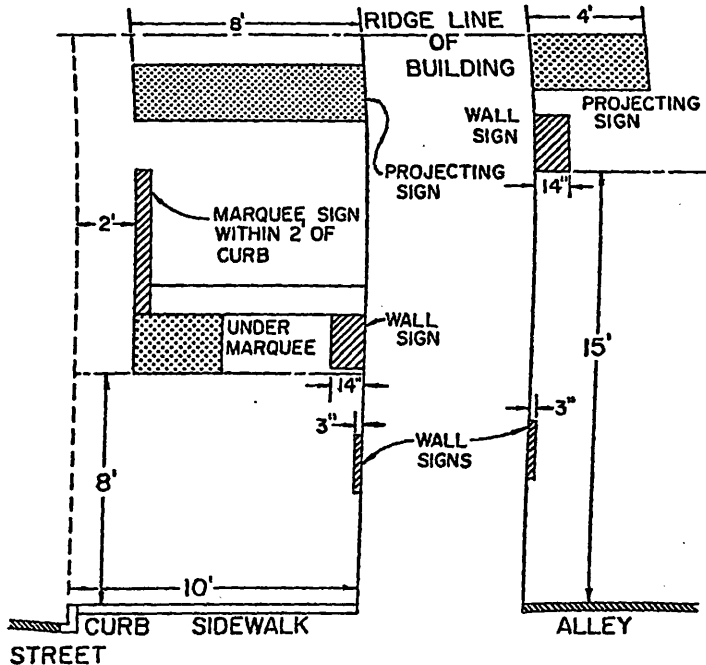
(1) Freestanding sign: no projection.

(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'') 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.

(o) No Signs on Street Trees, Utility Poles, or Structure in Street Right-of-Way. No signs shall be attached to any city street tree, or any poles such as utility poles, street signals, street lights, street name signs, or traffic warning signs, or on any bus shelter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) Temporary signs are not permitted.

(10) Window signs are not permitted.

(11) Outdoor advertising signs are not permitted.

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

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

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

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

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

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

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

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

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

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

(d) In the P-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 non-conforming sign subject to abatement according to the schedule set forth in Section 10-2.3507.

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

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

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

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

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

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

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

(i) A shopping center is usually comprised of a cluster of retail uses at one 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.

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

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

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

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

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

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

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

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

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

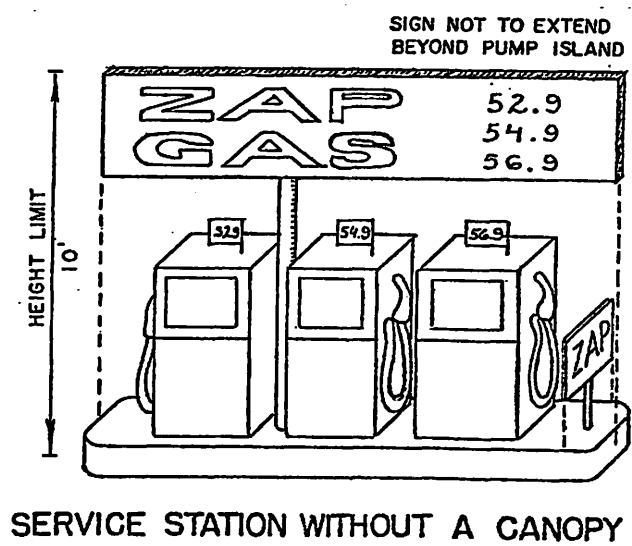
(10) Temporary signs are not permitted.

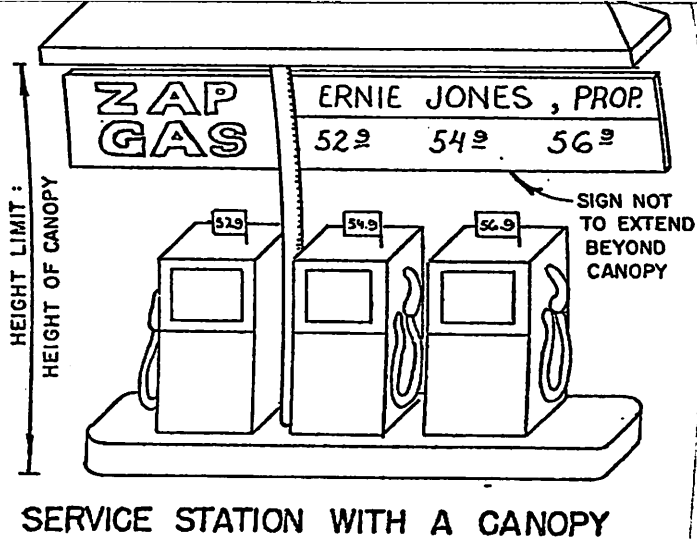
(11) Outdoor advertising signs are not permitted except as otherwise provided in this article.

(12) Window signs are permitted.

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

(14) Signs on service station pump islands, canopy 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.





(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.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the ^{adjourned} regular meeting of the Council of the City of Modesto held on the 28th day of September, 1978, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

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

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

EFFECTIVE DATE: October 28, 1978

AN ORDINANCE AMENDING SECTION MAPS 16-3-9 AND 17-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (COUNCIL INITIATED) (PROPERTY LOCATED ON BOTH THE EAST AND WEST SIDES OF McHENRY AVENUE BETWEEN BOWEN AND BRIGGSMORE AVENUES)

WHEREAS, the City Council, by Resolution No. 78-592 adopted on June 5, 1978, initiated proceedings to amend Sections 16-3-9 and 17-3-9 of the Zoning Map to rezone from General Commercial Zone, C-2, to Highway Frontage Zone, H-1, property located on both the east and west sides of McHenry Avenue between Bowen and Briggsmore Avenues, as hereinafter described, and

WHEREAS, the Planning Commission held a public hearing on July 18, 1978, on the zoning of said property as initiated by the City Council, and

WHEREAS, after said public hearing held on July 18, 1978, the Planning Commission, by Resolution No. 78-132, found and determined that rezoning the property as initiated by the City Council is required by public necessity, convenience and general welfare for the following reasons:

1. The hereinafter described property is more comparable to the H-1 zoned larger lots and generally newer development on upper McHenry Avenue than to the C-2 zoned smaller lots and generally older development on lower McHenry Avenue.
2. C-2 zoning and its attendant lesser sign regulations provides an advantage to those properties now zoned C-2 on upper McHenry Avenue over competitors on upper McHenry Avenue zoned H-1 with attendant higher sign regulations.
3. The uses permitted in the H-1 and C-2 zones are essentially the same, and no existing uses will be made nonconforming by this action except for signs.

and

WHEREAS, by said Planning Commission Resolution No. 78-132, the Planning Commission recommended to the City Council that the Council initiated proceedings to amend Sections 16-3-9 and 17-3-9 of the Zoning Map to reclassify

the hereinafter described property from General Commercial Zone, C-2, 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 September 11, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that rezoning, as initiated by Modesto City Council Resolution No. 78-592, 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 by the Planning Commission in its Resolution No. 78-132 and quoted above.

SECTION 2. ZONING CHANGE. Sections 16-3-9 and 17-3-9 of the Zoning Map are hereby amended to reclassify the following described property from General Commercial Zone, C-2, to Highway Frontage Zone, H-1:

PART ONE

ALL that property located in the Southwest one-quarter of Section 16 Township 3 South, Range 9 East of the Mount Diablo Base and Meridian, described as follows:

ITEM 1

ALL of Parcels 1, 2 and 3 as shown on the map filed in Book 15 of Parcel Maps at Page 80 in the Stanislaus County Records.

INCLUDING also the Easterly 55 feet of McHenry Avenue, immediately adjacent to said Parcels 2 and 3, also the Northerly 30 feet of Tokay Avenue immediately adjacent to said Parcel 2.

ITEM 2

BEGINNING at the point of intersection of the centerline of McHenry Avenue with centerline of Tokay Avenue being the true point of beginning; thence North 0° 47' 40" West along the centerline of McHenry Avenue 180.00 feet; thence South 89° 36' 55" East 180.00 feet; thence South 0° 47' 40" East 180.00 feet to a point on the centerline of Tokay Avenue; thence North 89° 36' 55" West along the said centerline 180.00 feet to the true point of beginning.

PART TWO

ALL that property located in the Southeast one-quarter of Section 17, Township 3 South, Range 9 East of the Mount Diablo Base and Meridian described as follows:

ITEM 3

ALL of Parcels A, B, C, and D as shown on the map filed in Book 4 of Parcel Maps at Page 76 in the Stanislaus County Records.

INCLUDING also the Westerly 55 feet of McHenry Avenue, immediately adjacent to the above said Parcels A, B, and C.

ITEM 4

ALL of Parcels "A" and "B" as shown on the map filed in Book 4 of Parcel Maps at Page 112 in the Stanislaus County Records.

INCLUDING also the Southerly 30 feet of Bowen Avenue and Westerly 55 feet of McHenry Avenue immediately adjacent to the above said Parcel "B" and the Westerly 55 feet of McHenry Avenue immediately adjacent to above said Parcel "A".

ITEM 5

BEGINNING at the Southeast corner of Parcel "B" as shown on the map filed in Book 4 of Parcel Maps at Page 112 in the Stanislaus County Records also being the point of beginning at the intersection of the west line of McHenry Avenue with the South line of said Parcel "B"; thence South 89° 12' 30" West 240.00 feet; thence South 0° 47' 30" East 100.00 feet; thence North 89° 12' 30" East 240.01 feet to the point of intersection with the said west line of McHenry Avenue; thence North 0° 47' 45" West 100.00 feet along said West side of McHenry Avenue to the point of beginning.

INCLUDING also the Westerly 55 feet of McHenry Avenue immediately adjacent to the above described property.

SECTION 3. ZONING MAP. Sections 16-3-9 and 17-3-9 of the Zoning Map of the City of Modesto is 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 11th day of September, 1978, by Councilmember Lang, 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: **Elliott, Lang, Mensinger, Siefkin,**
Acting Mayor Dunlap

NOES: Councilmembers: **Kullijian**

ABSENT: Councilmembers: **Mayor Davies**

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED: *Clyde H. Dunlap*
~~CLYDE H. DUNLAP, Acting Mayor~~
CLYDE H. DUNLAP, Acting Mayor

APPROVED AS TO DESCRIPTION:

By *Albain Smith*
Department of Planning and
Community Development

Ord. No. 1772-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 18th day of September, 1978, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: Kullijian

ABSENT: Councilmembers: Mensinger

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 18, 1978

Ordinance 1772 C.S.
Exhibit A – Map

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

ORDINANCE NO. 1773 -C.S.

AN ORDINANCE AMENDING SECTION MAPS 4-3-9 AND 9-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (Coralwood Mobilehome Community)

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

SECTION 1. ZONING CHANGE. Sections 4-3-9 and 9-3-9 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 (203) :

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest Quarter of Section 4, 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 Northwest corner of the NORTH MCHENRY NO. 3 ADDITION, as per description filed July 29, 1977, as Instrument 7142, Stanislaus County Records;

1. Thence continuing along the existing City limits along a Northern line of said ADDITION, North 89° 59' 00" East, 1758.63 feet;
2. Thence continuing along the existing City limits along the Eastern line of said ADDITION, South 01° 42' 15" East, 271.56 feet;
3. Thence leaving the existing City limits and continuing along the Southern line of Section 4, North 89° 13' 00" West, 1763.07 feet;
4. Thence re-joining the existing City limits and continuing along a Western line of said ADDITION, North 00° 53' 00" West, 246.85 feet, to the point of beginning, containing 10.473 acres, more or less.

Part 2

All that real property in the State of California, County of Stanislaus, being a portion of the Northwest 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 Northwest corner of the SYLVAN NO. 3 ADDITION, as per description filed November 3, 1976, as Instrument 23707, Stanislaus County Records;

1. Thence continuing along the existing City limits and the Western line of said ADDITION, South $00^{\circ} 51' 20''$ East, 330.68 feet, to a Northeastern corner of the MCHENRY UNION ADDITION, as per description filed September 8, 1975, as Instrument 10359, Stanislaus County Records;
2. Thence continuing along the existing City limits and a Northern line of said ADDITION, North $89^{\circ} 18' 20''$ West, 1762.83 feet;
3. Thence leaving the existing City limits, North $00^{\circ} 53' 00''$ West, 40.00 feet;
4. Thence joining the existing City limits and continuing along a Western line of the NORTH MCHENRY NO. 3 ADDITION, as per description filed July 29, 1977, as Instrument 7142, Stanislaus County Records, North $00^{\circ} 53' 00''$ West, 333.42 feet, to the Northern line of Section 9;
5. Thence leaving the existing City limits and continuing along the Northern line of Section 9, South $89^{\circ} 13' 00''$ East, 1763.07 feet, to the point of beginning, containing 13.433 acres, more or less.

SECTION 2. USES. The following uses shall be permitted in said P-D (203) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

- (a) A maximum 196-unit mobilehome park, including a swimming pool, recreation and storage facilities, and offstreet parking areas as shown on the plan in the office of the Director of Planning and Community Development.

SECTION 3. ZONING MAP. Section Maps 4-3-9 and 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 11th day of September, 1978, 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

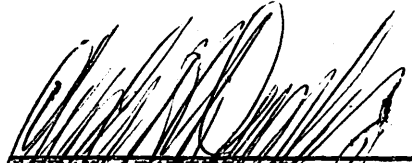
and published by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger,
Siefkin, Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

APPROVED:



~~CLYDE H. DUNLAP, Acting Mayor~~
CLYDE H. DUNLAP, Acting Mayor

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *Altham Orubda*
Department of Planning and
Community Development

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 18th day of September, 1978, 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, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 18, 1978

Ordinance 1773 C.S.
Exhibit A – Map

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

ORDINANCE NO. 1774 -C.S.

AN ORDINANCE AMENDING SECTION MAP 11-3-8 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (Channel Investments, Inc.)

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

SECTION 1. ZONING CHANGE. Section 11-3-8 of the Zoning

Map is hereby amended to reclassify the following-described property,

which is a portion of Planned-Development Zone, P-D(166) to

Planned-Development Zone, P-D (200) :

All that certain piece or parcel of land situate in and being a portion of Section 11, Township 3 South, Range 8 East, Mount Diablo Meridian, being more particularly described as follows:

Commencing at the most southerly corner of Parcel 2 according to the Official Map thereof recorded in Volume 19 of Parcel Maps at page 56, official records of Stanislaus County, California; thence North 48°19'39" West along the southwest line of said Parcel 2, a distance of 150.09 feet; thence continue along said southwesterly line and along the arc of a curve concave to the northeast, a distance of 383.40 feet, said curve having a central angle of 5°32'00" and a radius of 3970.00 feet; thence continue along said southwesterly line North 42°47'39" West, a distance of 102.09 feet; thence North 47°12'21" East, a distance of 12.00 feet to the northeasterly line of a road known as Sisk Road and the true point of beginning of this description; thence along the arc of a curve concave to the north, a distance of 25.01 feet, said curve having a central angle of 95°32'00" and a radius of 15.00 feet; thence North 41°40'21" East, a distance of 281.11 feet; thence along the arc of a curve concave to the northwest, a distance of 32.18 feet, said curve having a central angle of 36°52'12" and a radius of 50.00 feet; thence along the arc of a curve concave to the East, a distance of 3.75 feet, said curve having a central angle of 4°17'52" and a radius of 50.00 feet; thence North 42°47'39" West, a distance of 801.73 feet; thence South 44°58'08" West, a distance of 128.10 feet; thence South 47°12'21" West, a distance of 185.00 feet; thence along the arc of a curve concave to the East, a distance of 23.56 feet, said curve having a central angle of 99°00'00" and a radius of 15.00 feet; thence South 42°47'39" East along the Northeasterly line of said Sisk Road a distance of 809.17 feet to the point of beginning.

Containing 6.21 acres more or less.

SECTION 2. USES. The following uses shall be permitted in said P-D(200) 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. Uses as permitted in the H-1 Zone.
- b. Off-street parking in accordance with the plan on file in the office of the Department of Planning and Community Development.

SECTION 3. ZONING MAP. Section Map 11-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 1978, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed

and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the/regular meeting of the Council of the City of Modesto held on the 28th day of September, 1978, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

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

EFFECTIVE DATE: October 28, 1978

Ordinance 1774 C.S.
Exhibit A – Map

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

ORDINANCE NO. 1775 -C.S.,

AN ORDINANCE AMENDING SECTION MAP 16-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (VANCE DAVIS)

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-1 to

Planned-Development Zone, P-D (201):

The Northerly 225.4 feet of Lot 16 of the COFFEE COLONY,
as per map filed January 13, 1906, in Volume 2 of Maps, page 22,
Stanislaus County Records. Excepting therefrom, the Northerly
135 feet of the Easterly 96 feet of the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D (201) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

- a. A maximum of 20 one-story apartment dwelling units.
- b. Off-street parking in accordance with the plan on file in the office of the Director of Planning and Community Development.

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 9th day of October, 1978, by Councilmember Elliott, 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, Mensinger, Siefkin,
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Lang

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

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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *Alberta Smith*
Department of Planning and
Community Development

Ord. No. 1775-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 16th day of October, 1978, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: 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: November 15, 1978

Ordinance 1775 C.S.
Exhibit A – Map

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

ORDINANCE NO. 1776 -C.S.

AN ORDINANCE AMENDING SECTION MAP 19-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (TIM LOWE)

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

SECTION 1. ZONING CHANGE. Section 19-3-9 of the Zoning
Map is hereby amended to reclassify the following-described property
from Planned Development Zone, P-D(1) to a new
Planned-Development Zone, P-D (199) :

Beginning at a point on the East line of Carver Road and the
center line of Roseburg Avenue; thence South 0° 01' 30" West
along the East line of said Carver Road, 848.46 feet to the
Southwest corner of property conveyed to P. L. Milani, et ux,
by deed dated April 15, 1942; thence along a Southerly and
Westerly boundary of said Milani property the following three
courses and distances; South 88° 59' 50" East 166.83 feet;
South 0° 01' 30" West 149.02 feet; South 89° 04' 50" East
224.02 feet; thence 0° 01' 50" East 995.70 feet to the center
line of said Roseburg Avenue; thence North 88° 47' West
along the center line of said Roseburg Avenue 390.98 feet to
the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(199) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

- a. A neighborhood shopping center containing a freestanding bank and restaurant and/or other uses as shown on the plan limited to C-1 Zone uses.
- b. An off-street parking area in accordance with the plan on file in the office of the Department of Planning and Community Development.
- c. A mini-warehouse storage area.

SECTION 3. ZONING MAP. Section Map 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 9th day of October, 1978, by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed

and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

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

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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *Anthony Ormish*
Department of Planning and
Community Development

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of October, 1978, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: 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: November 15, 1978

Ordinance 1776 C.S.
Exhibit A – Map

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

AN ORDINANCE AMENDING SECTION 7-1.603 OF ARTICLE 6 OF CHAPTER 1 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO ESTABLISHING OF FEES FOR CONSTRUCTION OF CANAL CROSSINGS.

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

SECTION 1. AMENDMENT OF CODE. Section 7-1.603 of Article 6 of Chapter 1 of Title VII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 7-1.603. ESTABLISHMENT OF FEES. A fee of one and eight-tenths (1.8¢) cents per square foot of property shall be charged all property described in Section 7-1.602 above as the property's share in the cost of constructing street crossings of irrigation canals.

SECTION 2. DECLARATION OF EMERGENCY. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure because the present fees established to pay for approximately one-half (1/2) of the cost of the canal crossings in certain areas are insufficient and properties in the vicinity of said canal crossings are in areas where development is currently under way and building permits are being issued, and such canal crossings benefit the property in the immediate vicinity of street crossings of canals as well as the general public and such canal crossings protect the public safety and provide for the general welfare.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1978, by Councilmember Lang, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

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

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

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

ORDINANCE NO. 1778 -C.S.

AN ORDINANCE AMENDING SECTION MAP 13-3-8 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (RICHARD CICCARELLI)

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

SECTION 1. ZONING CHANGE. Section 13-3-8 of the Zoning

Map is hereby amended to reclassify the following-described property

from Low Density Residential Zone, R-1, to

Planned-Development Zone, P-D (205) :

ALL that certain real property situate in a portion of the Northeast quarter of Section 13, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows;

BEGINNING at the Northeast corner of said Section 13, said corner being a point on the center line of Prescott Road; thence South 0°15'00" East, along the East line of said Section 13, and the centerline of Prescott Road, a distance of 165.70 feet, to the intersection with the center line of Rumble Road, as shown on the map filed in Volume 11 of Surveys at Page 124, Stanislaus County Records; thence South 89°14'40" West, along said center line of Rumble Road, a distance of 100.00 feet, to the beginning of a tangent curve, concave to the Northeast; thence Westerly, 328.78 feet, along said curve, and the center line of Rumble Road, having a radius of 600.00 feet, and a central angle of 31°23'46" to a point of reverse curvature; being concave to the Southwest; thence continuing Westerly 219.08 feet along said curve and the center line of Rumble Road, having a radius of 600.00 feet, and a central angle of 20°55'13" to the North line of said Section 13, and a point of cusp; thence North 89°19'40" East, along said North line of said Section 13, a distance of 617.27 feet to the point of beginning.

Containing 1.517 acres.

SECTION 2. USES. The following uses shall be permitted in said P-D (205) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

- a. A convenience commercial center limited to C-1 Zone uses.
- b. Off-street parking areas in accordance with Article 18 of the Municipal Code.

SECTION 3. ZONING MAP. Section Map 13-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1978, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed

and published by the following vote:

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

NOES: Councilmembers: Dunlap and Siefkin

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 (Bud) ...
Department of Planning and
Community Development

Ord. No. 1778-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 23rd day of October, 1978, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mayor Davies

NOES: Councilmembers: Dunlap, Siefkin

ABSENT: Councilmembers: Mensinger

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 22, 1978

Ordinance 1778 C.S.
Exhibit A – Map

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

AN ORDINANCE AMENDING SECTIONS 4-6.304 AND 4-6.603 OF CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE AND REPEALING SECTION 4-6.308 THEREOF RELATING TO TAXICAB FARES.

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

SECTION 1. AMENDMENT OF CODE. Sections 4-6.304 and 4-6.603 of Chapter 6 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-6.304. BASIS OF CHARGES. All charges for transportation of passengers in taxicabs operated in the City must be based on the charges indicated on said taximeter, and it shall be unlawful for any owner, driver or operator of any taxicab to charge any passenger any sum in excess of the sum indicated on said taximeter, unless the trip begins or ends outside the City limits, in which event a flat rate may be charged as provided in Section 4-6.302.

SEC. 4-6.603. DISPUTES. All disputes as to fares shall be determined by the officer in charge of the Police Station.

SECTION 2. REPEALS. Section 4-6.308 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby repealed.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1978, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and

ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,
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. 1779-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 23rd day of October, 1978, Councilmember Lang 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, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 22, 1978

ORDINANCE NO. 1780 -C.S.,

AN ORDINANCE AMENDING SECTION MAP 13-3-8 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (PAUL RUMBLE)

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

SECTION 1. ZONING CHANGE. Section 13-3-8 of the Zoning
Map is hereby amended to reclassify the following-described property
from Medium Density Residential Zone, R-2 to
Planned-Development Zone, P-D (202) :

All that certain real property situate in a portion of the Northwest
quarter of Section 13, Township 3 South, Range 8 East, Mount Diablo
Base and Meridian, in the City of Modesto, ~~County of Stanislaus~~, State
of California, described as follows:

All of Parcel 3 as shown on the Parcel Map, filed in Book 26 of Parcel
Maps at Page 103, Stanislaus County Records.

Including also the Southerly 30 feet of Rumble Road immediately adjacent
to said Parcel 3.

Containing 1.68 acres.

SECTION 2. USES. The following uses shall be permitted in said P-D (202) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

- a. A commercial building to house fruit and produce sales and storage.
- b. A minimum of 40 off-street parking places as shown on the approved plan on file in the office of the Department of Planning and Community Development.

SECTION 3. ZONING MAP. Section Map 13-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 1978, 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, Lang, Siefkin,
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

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 *Arthur Smith*
Department of Planning and
Community Development

Ord. No. 1780-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 November, 1978, Councilmember Lang 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, 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: December 6, 1978

Ordinance 1780 C.S.
Exhibit A – Map

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