

ORDINANCE NO. 2031 -C.S.

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

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

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

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

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>	<u>DATE SURVEYED</u>
BLUE GUM AVENUE, between Poust and Carpenter Roads	40 miles per hour	July 11, 1980
BOWEN AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	February 10, 1978
BRIGGSMORE AVENUE, westbound between Coffee Road and McHenry Avenue	45 miles per hour	February 2, 1978

BRIGGSMORE AVENUE, (eastbound) between McHenry Avenue and 1,000 feet west of Coffee Road	45 miles per hour	March 21, 1978
BRIGGSMORE AVENUE, (eastbound), between a point 1,000 feet west of Coffee Road and Coffee Road	40 miles per hour	April 20, 1979
BRIGGSMORE AVENUE, between Coffee Road and Rose Avenue	45 miles per hour	April 13, 1979
BRIGGSMORE AVENUE, between Rose Avenue and Oakdale Road	50 miles per hour	April 13, 1979
BRIGGSMORE AVENUE, between Oakdale Road and Claus Road	55 miles per hour	April 13, 1979
W. BRIGGSMORE AVENUE, (east and westbound) between McHenry Avenue and Tully Road	45 miles per hour	April 28, 1980
W. BRIGGSMORE AVENUE, between Tully Road and Prescott Road	45 miles per hour	April 28, 1980
BRIGHTON AVENUE, between Locke Road and Coffee Road	35 miles per hour	October 27, 1978
CARPENTER ROAD, between Paradise Road and Maze Boulevard	45 miles per hour	April 13, 1979
CARPENTER ROAD, between Woodland Avenue and Blue Gum Avenue	45 miles per hour	April 13, 1979
CARVER ROAD, between 9th Street and Roseburg Avenue	35 miles per hour	February 3, 1978
CARVER ROAD, between Roseburg Avenue and Brixton Lane within the City limits	35 miles per hour	February 10, 1978

CARVER ROAD, between Brixton Lane and M.I.D. Lateral No. 6 within the City limits	40 miles per hour	August 17, 1977
CELESTE DRIVE, between Coffee Road and Oakdale Road	30 miles per hour	October 5, 1978
COFFEE ROAD, between Scenic Drive and Briggsmore Avenue	40 miles per hour	July 18, 1979
COFFEE ROAD, between Briggsmore Avenue and Floyd Avenue	40 miles per hour	July 18, 1979
COFFEE ROAD, between Floyd Avenue and Sylvan Avenue	40 miles per hour	April 13, 1979
COLLEGE AVENUE, between Princeton Avenue and Bowen Avenue	35 miles per hour	March 16, 1978
COLLEGE AVENUE, between Rumble Road and Bowen Avenue	35 miles per hour	January 19, 1981
CROWS LANDING ROAD, School Avenue to Blankenburg Avenue, within the City of Modesto	35 miles per hour	November 2, 1978
DALE ROAD, between Standiford Avenue and Veneman Avenue	35 miles per hour	April 13, 1979
EICHER AVENUE, between Conant Avenue and Goldie Avenue	30 miles per hour	March 11, 1981
EL VISTA AVENUE, between Yosemite Boulevard and Scenic Drive	35 miles per hour	March 23, 1978
EMERALD AVENUE, between Maze Boulevard and California Avenue within the City limits	35 miles per hour	October 26, 1978
ENCINA AVENUE, between Santa Barbara Avenue and Conejo Avenue	35 miles per hour	November 8, 1978
EVERGREEN AVENUE, between Orangeburg Avenue and Carver Road	35 miles per hour	January 19, 1981

FAIRMONT AVENUE, between Coffee Road and Sunrise Avenue	30 miles per hour	October 5, 1978
FLOYD AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	February 2, 1978
FLOYD AVENUE, between Coffee Road and Oakdale Road	35 miles per hour	October 5, 1978
FRANKLIN STREET, between California Avenue and Maze Boulevard	35 miles per hour	February 2, 1978
E. GRANGER AVENUE, between Sunrise Avenue and McHenry Avenue	30 miles per hour	October 17, 1978
W. GRANGER AVENUE, between McHenry Avenue and Tully Road	30 miles per hour	October 17, 1978
KANSAS AVENUE, between Emerald Avenue and Eighth Street	35 miles per hour	April 13, 1979
KEARNEY AVENUE, between Coldwell Avenue and Glenwood Drive	30 miles per hour	January 19, 1981
KELLER STREET, between Rumble Road and Sylvan Avenue	30 miles per hour	April 13, 1979
LAKWOOD AVENUE, between Scenic Drive and Orangeburg Avenue	35 miles per hour	October 26, 1978
LA LOMA AVENUE, between Buena Vista and Yosemite Boulevard	30 miles per hour	March 23, 1978
LINCOLN AVENUE, between Yosemite Boulevard and 650' north of M.I.D. Lateral No. 2	35 miles per hour	June 3, 1980
MABLE AVENUE, between Coffee Road and Oakdale Road	40 miles per hour	February 24, 1981
MILLER AVENUE, between La Loma Avenue and El Vista Avenue	35 miles per hour	February 21, 1978

MITCHELL ROAD, between Finch Road and 1,326' south of Finch Road	50 miles per hour	February 21, 1978
MORRIS AVENUE, between McHenry Avenue and Coffee Road	30 miles per hour	February 21, 1978
MT. VERNON AVENUE, between Carver Road and Prescott Road	35 miles per hour	October 18, 1978
MT. VERNON AVENUE, between College Avenue and Carver Road	30 miles per hour	October 19, 1978
NEECE DRIVE, between Tuolumne Boulevard and Rouse Avenue	35 miles per hour	December 1, 1978
NEEDHAM STREET, between L and 9th Streets	35 miles per hour	November 15, 1978
NORWEGIAN AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	October 24, 1978
OAKDALE ROAD, between Scenic Drive and Briggsmore Avenue	40 miles per hour	July 18, 1979
OAKDALE ROAD, between Briggsmore Avenue and Floyd Avenue	45 miles per hour	April 13, 1979
E. ORANGEBURG AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	July 21, 1980
E. ORANGEBURG AVENUE, between Oakdale Road and Lakewood Avenue	35 miles per hour	March 17, 1980
E. ORANGEBURG AVENUE, between Lakewood Avenue and Claus Road	35 miles per hour	March 17, 1980
E. ORANGEBURG AVENUE, between Coffee Road and Rose Avenue	35 miles per hour	July 1, 1977
E. ORANGEBURG AVENUE, between Rose Avenue and Oakdale Road	35 miles per hour	August 30, 1979

W. ORANGEBURG AVENUE, between Briggsmore Avenue and Martin Avenue	30 miles per hour	July 11, 1980
W. ORANGEBURG AVENUE, between Martin Avenue and McHenry Avenue	35 miles per hour	July 11, 1980
PARADISE ROAD, between Vernon Avenue and Franklin Street	35 miles per hour	April 13, 1979
PRESCOTT ROAD, between Briggsmore Avenue and Rumble Road	40 miles per hour	July 18, 1979
PRINCETON AVENUE, between College Avenue and Tully Road	25 miles per hour	July 15, 1980
RIVERSIDE DRIVE, between Edge- brook Drive and Yosemite Boulevard	35 miles per hour	January 19, 1981
ROSE AVENUE, between Scenic Drive and Briggsmore Avenue	35 miles per hour	February 17, 1978
ROSE AVENUE, between Briggsmore Avenue and Floyd Avenue	30 miles per hour	March 23, 1978
ROSEBURG AVENUE, between Sunrise Avenue and McHenry Avenue	35 miles per hour	October 24, 1978
W. ROSEBURG AVENUE, between McHenry Avenue and Tully Road	30 miles per hour	October 24, 1978
W. ROSEBURG AVENUE, between Tully Road and Carver Road	35 miles per hour	October 25, 1978
E. RUMBLE ROAD, between Coffee Road and McHenry Avenue within the City limits	35 miles per hour	October 21, 1978
W. RUMBLE ROAD, between Conant Avenue and Tully Road	30 miles per hour	October 21, 1978
W. RUMBLE ROAD, between Sisk Road and Conant Avenue	35 miles per hour	March 31, 1977
RUMBLE ROAD, between Tully Road and McHenry Avenue	35 miles per hour	January 19, 1981

SCENIC DRIVE, between Coffee Road and Oakdale Road	40 miles per hour	March 31, 1977
SCENIC DRIVE, Lillian Drive to Claus Road, within the City of Modesto	40 miles per hour	March 9, 1978
SCENIC DRIVE, between Oakdale Road and Lakewood Avenue	45 miles per hour	May 27, 1977
SIERRA DRIVE, between G and South 7th Streets	30 miles per hour	December 1, 1978
SISK ROAD, between Briggsmore Avenue and 600' north of Brenner Way	50 miles per hour	July 1, 1977
SISK ROAD, between 600' north of Brenner Way and Standiford Avenue	40 miles per hour	July 14, 1977
SISK ROAD, between Standiford Avenue and 600' north of Vintage Drive	40 miles per hour	March 6, 1981
STANDIFORD AVENUE, between Dale Road and Veneman Avenue	50 miles per hour	July 14, 1977
STANDIFORD AVENUE, between Veneman Avenue and Carver Road	40 miles per hour	June 30, 1977
STANDIFORD AVENUE, between Carver Road and Tully Road	45 miles per hour	July 19, 1979
STANDIFORD AVENUE, between Tully Road and McHenry Avenue	40 miles per hour	October 20, 1980
SUNRISE AVENUE, between Lucern Avenue and Floyd Avenue	35 miles per hour	October 19, 1978
SURREY AVENUE, between Oakdale Road and Eastridge Drive	25 miles per hour	May 30, 1980

SUTTER AVENUE, between Paradise Avenue and Robertson Road	30 miles per hour	February 17, 1978
SYCAMORE AVENUE, between Griswold Avenue and Orangeburg Avenue	35 miles per hour	October 31, 1978
SYLVAN AVENUE, between McHenry Avenue and Oakdale Road within the City limits	45 miles per hour	October 18, 1978
TOKAY AVENUE, between McHenry Avenue and Bodega Lane	35 miles per hour	March 31, 1977
TULLY ROAD, between Coldwell Avenue and Standiford Avenue	35 miles per hour	March 22, 1978
TULLY ROAD, between Standiford Avenue and M.I.D. Lateral No. 6	45 miles per hour	October 21, 1978
TUOLUMNE BOULEVARD, between 7th Street and Paradise Road	35 miles per hour	February 17, 1978
VENEMAN AVENUE, between Dale Road and Standiford Avenue	40 miles per hour	January 11, 1978
VIRGINIA AVENUE, between Needham Street and Roseburg Avenue	35 miles per hour	October 20, 1978
WHITMORE AVENUE, between Morgan Road and Crows Landing Road within the City limits	45 miles per hour	November 9, 1977
WOODLAND AVENUE, between Morse Avenue and Shasta Avenue, within the City limits	45 miles per hour	April 13, 1979
WOODLAND AVENUE, between Shasta Avenue and Carpenter Road within the City limits	45 miles per hour	February 5, 1980
WOODLAND AVENUE, between 9th Street and Carpenter Road within the City limits	35 miles per hour	December 6, 1977



Ord. No. 2031-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 April, 1981, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

APPROVED

Peggy Mensinger  
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE:

May 7, 1981

AN ORDINANCE AMENDING SECTION MAP 27-3-9 OF  
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING  
CERTAIN PROPERTY LOCATED THEREON. (SIDNEY AND MARY ROGERS)

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

SECTION 1. ZONING CHANGE. Section 27-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium Density Residential Zone, R-2, and Neighborhood Commercial Zone, C-1, to Planned-Development Zone, P-D (300) :

R-2 to P-D

Lot 29 as shown on that certain map entitled "SUNNYSIDE ACRES", filed in the Office of the County Recorder of Stanislaus County on May 24, 1911, in Volume 5 of Maps, page 45.

Including also all of the north one-half of Scenic Drive immediately adjacent to the above described property.

C-1 to P-D

Lot 28 as shown on that certain map entitled "SUNNYSIDE ACRES", filed in the Office of the County Recorder of Stanislaus County on May 24, 1911, in Volume 5 of Maps, page 45.

Including also all of the north one-half of Scenic Drive immediately adjacent to the above described property.

**SECTION 2. USES.** The following uses shall be permitted in said P-D(300) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code.

Nursery and accessory uses and buildings

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

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

**SECTION 5. PUBLICATION.** This ordinance shall be published in full at least once at least two (2) 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 7<sup>th</sup> day of April, 1981, by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed

and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

APPROVED: *Peggy Mensinger*  
PEGGY MENSINGER, Mayor

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *William Smith*  
Department of Planning and  
Community Development

## Ordinance 2032 C.S.

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

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of April, 1981, 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: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

APPROVED

  
MAYOR PEGGY MENSINGER

ATTEST:

  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 21, 1981

AN ORDINANCE AMENDING SECTION MAP 8-4-9 OF  
 THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING  
 CERTAIN PROPERTY LOCATED THEREON. (WHITMORE PLAZA ASSOCIATES)

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

SECTION 1. ZONING CHANGE. Section 8-4-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D (299) :

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

BEGINNING at the south quarter section corner of said Section 8, said point being on the present centerline of Whitmore Avenue; thence North 0°06'30" East, 55.00 feet to the southwest corner of Parcel B as shown on the map recorded in Book 5 of Parcel Maps at Page 83, Stanislaus County Records; thence continuing North 0°06'30" East on the west line of said Parcel B 1267.08 feet to the northwest corner of said Parcel B; thence south 89°20'30" East on the north line of said Parcel B, 589.00 feet to the northeast corner of Parcel B and the northwest corner of Parcel A as shown on the map recorded in Book 5 of Parcel Maps at Page 83, Stanislaus County Records; thence South 89°20'30" East on the north line of said Parcel A, 335.00 feet to the northeast corner of Parcel A; thence South 0°06'30" West on the east line of said Parcel A, 1264.53 feet to the southeast corner of Parcel A; thence continuing South 0°06'30" West, 55.00 feet to the south line of said Section 8; thence North 89°30' West on said south line 334.99 feet; thence North 0°06'30" East, 55.00 feet to the Southwest corner of said Parcel A; thence continuing North 0°06'30" East on the West line of Parcel A 330.00 feet to a centerline of proposed 50 foot wide Caleb Court; thence along said centerline North 39°30' West 254.00 feet to the centerline of 60.00 foot wide Dallas Street; thence along said centerline South 0°06'30" West 385.00 feet to the South line of said Section 8; thence North 89°30' West on said south line, 335.00<sup>±</sup> feet to the point of beginning.

**SECTION 2. USES.** The following uses shall be permitted in said P-D(299) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code.

- (a) Zero lot line patio houses on typically 4,250 square foot lots indicated as "garden homes".
- (b) Single-family attached patio homes on typically 3,000 square foot lots indicated as "duplexes".

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

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least two (2) 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 7<sup>th</sup> day of April, 1981, by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bright, was upon roll call carried and ordered printed

and published by the following vote:

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

NOES: Councilmembers: Elliott, Lang, Patterson

ABSENT: Councilmembers: None

ATTEST:

APPROVED:

By

NORRINE COYLE, City Clerk

PEGGY MENSINGER, Mayor

(SEAL)

APPROVED AS TO FORM:

By

ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By

Department of Planning and Community  
Development

## Ordinance 2033 C.S.

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

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of April, 1981, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

**NOES:** Councilmembers: Elliott, Lang, Patterson

**ABSENT:** Councilmembers: None

APPROVED *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 21, 1981

ORDINANCE NO. 2034 -C. S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1940-C. S. ENTITLED "AN ORDINANCE AMENDING SECTION 24-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (RULE ENTERPRISES)"

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1940-C. S. Section 2 of Ordinance No. 1940-C. S. is hereby amended to read as follows:

"SEC. 2. USES. The following uses shall be permitted in said P-D(263) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

A combination two-story apartment complex and a zero lot line patio home subdivision and common recreational facilities."

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 two (2) 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 April, 1981, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*  
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 2034-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 April, 1981, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

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

**NOES:** Councilmembers: Patterson

**ABSENT:** Councilmembers: None

APPROVED

Peggy Mensinger  
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 21, 1981

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO THE FIRE CODE AND FIRE DISTRICTS OF THE CITY OF MODESTO.

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

SECTION 1. FINDINGS. The City Council of the City of Modesto hereby finds that the following local conditions exist in the City of Modesto:

- (a) Summer weather conditions are very dry and windy causing ordinary combustibles to be easily ignited and fires to be fast spreading.
- (b) Very dense fog conditions occur in winter. Reduced visibility causes delays in fire response.
- (c) Fire response is delayed by railroad tracks which:

Divide City from northeast City limits between Tully and McHenry to the west side of Ninth Street.

Run parallel to Highway 99 through City, restricting response at locations where overpasses are not provided.

Run parallel to Yosemite Boulevard (M. & E. T.) blocking access to the Airport, Tuolumne Regional Park, and adjacent areas.

Restrict access at intersections and streets in the areas of 9th, 10th, D, and E. These streets are often blocked due to train operations.

- (d) Irrigation Canal Lateral #3 restricts access to the Orchard Neighborhood from Oakdale to Claus above Briggsmore.

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

#### CHAPTER 1 - FIRE CODE AND FIRE DISTRICTS

#### ARTICLE 1. FIRE CODE

SEC. 3-1.101. ADOPTION BY REFERENCE OF "UNIFORM FIRE CODE." That certain document, three (3) copies of which are on file in the Office of the City Clerk of the City of Modesto, being marked and designated as "Uniform Fire Code, 1979 Edition", together with

appendices A, B, C, D, E, F, G, H, and I thereto, as compiled and published by the International Conference of Building Officials and the Western Fire Chiefs' Association, which Code prescribes regulations governing conditions hazardous to life and property from fire and explosion, as hereinafter amended, deleted and added to, be and the same is hereby adopted by reference as the Fire Code of the City of Modesto.

SEC. 3-1.102. INTENT. That Section 1.102 of said Fire Code be amended to read as follows:

Section 1.102. It is the intent of this Code to prescribe regulations consistent with nationally recognized good practices for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions, hazardous to life and property in the use or occupancy of buildings or premises. The current edition of the "National Fire Codes", as published by the National Fire Protection Association, shall be considered to provide the minimum requirements for new and existing buildings, premises and occupancies.

SEC. 3-1.103. ALTERNATE MATERIALS AND METHODS. That subsection (e) be added to Section 2.301 of said Fire Code to read as follows:

(e) The Building Official, Chief of the Fire Department and Chief of the Fire Prevention Bureau shall act as a committee to determine and specify the suitability of alternate materials and types of construction and to provide reasonable interpretations of the provisions of this Code.

SEC. 3-1.104. BOARD OF APPEALS. That Section 2.302 of said Fire Code is hereby deleted.

SEC. 3-1.105. UNLAWFUL CONTINUANCE OF FIRE HAZARD. That Section 3.101 of said Fire Code be amended to read as follows:

Section 3.101. (a) Any person operating or maintaining any occupancy, premises or vehicle subject to this Code who shall permit any fire hazard to exist on premises under his control or who shall fail to take immediate action to abate a fire hazard when ordered or notified to do so by the Chief or his duly authorized representative shall be guilty of an infraction with the exception of the following Articles or Sections which are misdemeanors:

Sections: 2.107, 10.102, 11.102, 11.103, 11.104, 11.301, 11.302, 11.401, 11.402 and all Sections of Articles 25, 77 and 78.

SEC. 3-1.106. HYDRANT USE APPROVAL. That Section 10.203 of said Fire Code be amended to read as follows:

(a) No person shall use or operate any hydrant or other valves installed on any water system intended for use by the Chief for fire suppression purposes and which is accessible to any public highway, alley or private way open to or generally used by the public, unless such person first secures a permit for use from the Chief. This section does not apply to the use of a hydrant or other valves by a person employed by and authorized to make such use by the water company which supplies water to such hydrants or other valves.

(b) No person shall open any hydrant except by using a hydrant wrench approved for that purpose by the Chief.

SEC. 3-1.107. AUTOMATIC SPRINKLER SYSTEMS. That number 7 is hereby added to subsection (b) of Section 10.309 of said Fire Code to read as follows:

7. New Construction.

A. The installation of an approved automatic sprinkler system shall be required in all buildings and structures, hereafter constructed, notwithstanding the use or occupancy thereof, where:

1. The total floor area under one roof exceeds five thousand (5,000) square feet, except for:

(a) Dwellings four (4) units or less.

(b) Dwellings of the R-3 occupancy group that are separated by an area separation wall as defined by Section 505(d) of the Building Code.

(c) Buildings of occupancy groups A, B, E, H, I, M and R-1 that are separated by an area separation wall of not less than two-hour fire resistive construction as defined by Section 505(d) of the Building Code.

2. The building or structure is four (4) or more stories or exceeds fifty (50') feet in height as in Section 409 of the Building Code.

3. Additions, alterations, or repairs within any twelve (12) month period exceed fifty (50%) percent of the value of an existing building or structure and which result in said building or structure exceeding five thousand (5,000) square feet.

SEC. 3-1.108. OPEN BURNING. That Section 11.101 of said Fire Code be amended to read as follows:

(a) Permit Required. No person shall kindle or maintain any burning of grass, weeds, agricultural trimmings, or other combustibles or authorize any such fire to be kindled or maintained without a permit as required by the Stanislaus County Air Pollution Control District and all safeguards thereby required.

(b) Such burning shall be restricted to agricultural purposes and shall be confined to areas of the City in which agricultural use is lawful.

SEC. 3-1.109. INCINERATORS AND OPEN BURNING. That Sections 11.106, 11.107, 11.110 and 11.111 of said Fire Code are hereby deleted.

SEC. 3-1.110. ASPHALT KETTLES. That subsections (c) and (d) be added to Section 11.403 to read as follows:

(c) Asphalt kettles shall be kept a minimum distance of twenty (20) feet from ladders to roofs of buildings.

(d) All LPG hoses, valves and safety devices shall be maintained in proper working order.

SEC. 3-1.111. GENERAL SAFETY RULES FOR WELDING AND CUTTING. That subsection (p) be added to Section 49.107 of said Fire Code to read as follows:

(p) All compressed gas cylinders used for welding and cutting while in service or in storage shall be adequately secured to prevent their falling or being knocked over.

SEC. 3-1.112. GENERAL REQUIREMENTS. That subsection (b) of Section 77.106 of said Fire Code be amended to read as follows:

(b) The storage of explosives and blasting agents is restricted to those areas of the City zoned M-2, Heavy Industrial Zone, except for temporary storage for use in connection with approved blasting operations; provided, however, this prohibition shall not apply to wholesale and retail stock of small arms ammunition, gunpowder, explosive bolts, explosive rivets or cartridges for explosive-actuated power tools in quantities involving less than 500 pounds of explosive material.

SEC. 3-1.113. MANUFACTURE, SALE AND DISCHARGE. That Section 78.102 of said Fire Code be amended to read as follows:

Section 78.102. (a) The manufacture of fireworks within the City of Modesto is prohibited.

(b) The storage and sale of fireworks within the City of Modesto is limited to State Fire Marshal approved and labeled fireworks by State licensed wholesalers and retailers. The sale of all fireworks within the City of Modesto shall comply with the Rules and Regulations of the State Fire Marshal and Rules and Regulations of the Chief. A permit shall be required for the storage and sale of fireworks. Storage of fireworks within the City of Modesto is limited to the period commencing June 1 and ending July 31 of each year, and shall comply with rules and regulations of the Chief. The Chief shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair association, amusement parks, other organizations or for the use of fireworks by artisans in pursuit of their trade. Every such use or display shall be handled by a competent operator approved by the Chief, and shall be of such character and so located, discharged or fired as in the opinion of the Chief after proper investigation, so as not to be hazardous to property or endanger any person.

(c) Applications for permits shall be made in writing to the Chief at least ten (10) days in advance of the date of the display. After such privilege shall be granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

SEC. 3-1.114. HAZARDOUS HEATING, LIGHTING AND COOKING APPLIANCES PROHIBITED. That Section 79.106 of said Fire Code be amended to read as follows:

Section 79.106. A person shall not use within a building or structure any heating, lighting or cooking appliance which uses Class I or II flammable or combustible liquids.

SEC. 3-1.115. RESTRICTED LOCATIONS AND FIRE PROTECTION. That subsection (a) of Section 79.201 of said Fire Code be amended to read as follows:

(a) The storage of flammable or combustible liquids in outside aboveground tanks is prohibited. All existing nonconforming tanks which substantially comply with or are made to comply with the requirements of this Code may be continued in use and a permit therefor shall be granted by the Chief.

SEC. 3-1.116. ABANDONMENT OF TANKS. That subsection (h) be added to Section 79.221 of said Fire Code to read as follows:

(h) The safe removal of all underground tanks shall require that all flammable or combustible liquid be removed from the tank, all openings in the tank be capped or plugged prior to removal, and the tank be lifted directly out of hole without the use of choker chain or dragging.

SEC. 3-1.117. LOCATION OF PLANTS. That Section 79.601 of said Fire Code be amended to read as follows:

Section 79.601. The construction of new bulk plants for storage of flammable or combustible liquids is restricted to areas of the City zoned M-2, Heavy Industrial Zone. All existing nonconforming bulk plants for storage of flammable or combustible liquids which substantially comply or are made to comply with the requirements of this Code may be continued in use and a permit therefor shall be granted by the Chief.

SEC. 3-1.118. DISPENSING SERVICES. That subsection (b) of Section 79.703 of said Fire Code be amended to read as follows:

(b) Supervision. The dispensing of Classes I and II liquids into the fuel tank of a vehicle or into a container shall at all times be under the supervision of a qualified attendant. Service stations not open to the public do not require an attendant or supervisor. Such stations may be used by commercial, industrial, governmental or manufacturing establishments for fueling vehicles used in connection with their business. The attendant's primary function shall be to supervise, observe and control the dispensing of Classes I and II liquids while said liquids are being dispensed. It shall be the responsibility of the attendant to prevent the dispensing of Classes I and II liquids into portable containers not in compliance with Section 79.702(d), Control Sources of Ignition, and to immediately handle accidental spills and fire extinguishers, if needed. If the dispensing of Classes I and II liquids at a service station, available and open to the public is to be done by a person other than the service station attendant, the nozzle shall be a listed automatic-closing type, without a latch-open device.

SEC. 3-1.119. SAFETY RULES. That subsection (b) of Section 79.710 of said Fire Code be amended to read as follows:

(b) Extinguishers of a minimum classification of 2A-10BC shall be provided and so located that no pump, dispenser or fill-pipe opening shall be greater distance than seventy-five (75) feet from such extinguisher.

SEC. 3-1.120. OPERATION OF TANK VEHICLES. That subsection (n) be added to Section 79.1104 of said Fire Code to read as follows:

(n) Tank vehicles shall be parked on private property while being unloaded. It shall be unlawful to unload any tank vehicle while it is parked on any street, highway, avenue, alley, or other public right-of-way. While a tank vehicle is being unloaded, it shall not be parked in such a manner as to be endangered by other traffic.

SEC. 3-1.121. PARKING AND GARAGING. That Section 79.1106 of said Fire Code be amended to read as follows:

Section 79.1106 (a) No person shall leave a tank vehicle unattended on any street, highway, avenue or alley, except that this shall not prevent:

(1) Stops for meals during the day or night, if the street is well lighted at the point of parking.

(2) When, in case of accident or other emergency, the operator must leave to obtain assistance.

(b) No person shall park a tank vehicle at any one point for longer than one hour except:

1. Inside a bulk plant and twenty-five (25) feet from the property line or within a building approved for such use.

2. At other approved locations not less than fifty (50) feet from any building except those approved for the storage or servicing of such a vehicle.

3. When, in case of breakdown or other emergency, the operator must leave the vehicle to take necessary action to correct the emergency.

(c) Tank vehicles shall not be parked or garaged in any buildings other than those specifically approved for such use by the Chief.

(d) Tank vehicles used for flammable and combustible liquids shall be repaired only in locations approved by the Chief.

SEC. 3-1.122. LOCATION OF CONTAINERS. That subsection (a) of Section 82.105 of said Fire Code be amended to read as follows:

(a) The storage of liquefied petroleum gases is restricted to those areas of the City zoned C-M, Commercial-Industrial Zone, and M-1, Light Industrial Zone, and M-2, Heavy Industrial Zone, and in addition thereto, to properties used as Automotive Service Stations

located in areas of the City zoned C-2, General Commercial Zone and H-1, Highway Frontage Zone. The aggregate capacity of any one installation shall not exceed two thousand (2,000) gallons water capacity; except that in particular installations this capacity limit may be altered at the discretion of the Chief, after consideration of special features such as topographical conditions, nature of occupancy and proximity of buildings, capacity of proposed tanks, degree of private fire protection to be provided and facilities of the local Fire Department. The storage of liquefied petroleum gas shall conform to the provisions of the local zoning ordinances.

SEC. 3-1.123. LIMITATIONS ON THE USE AND STORAGE OF LIQUEFIED PETROLEUM GAS. That Section 82.107 of the Fire Code be amended to read as follows:

Section 82.107. Limitations on the Use and Storage of Liquefied Petroleum Gas.

(a) Liquefied petroleum gas shall not be used for the purpose of operating any devices or equipment unless such equipment or device is approved for use with a liquefied petroleum gas.

(b) Liquefied petroleum gas shall not be released to the atmosphere except through an approved liquid level gauge or other approved device.

(c) The use of stoves and other similar fuel burning appliances using liquefied petroleum gas for cooking, lighting or heating is prohibited in the City of Modesto except as permitted in subsection (f) of this section.

(d) The storage and use of liquefied petroleum gas shall be prohibited in hotels, motels and apartment houses and in buildings or on property or streets adjacent to property used for the following purposes: schools, churches, public assemblages, hospitals, carnivals, circuses, public parks and similar uses involving gatherings of more than fifty (50) people.

(e) The storage and use of liquefied petroleum gas may be permitted by the Chief on construction sites and residential property when the prohibition of such storage would cause an undue hardship. When permitted, the total aggregate storage of liquefied petroleum gases on any one property shall not exceed two hundred fifty (250) gallons. The use of liquefied petroleum gases when permitted shall be limited to approved devices used for cooking and heating.

(f) Liquefied petroleum gas may be dispensed by Automotive Service Stations by employees only.

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 <sup>two (2)</sup>~~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 April, 1981, by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and ordered printed and published by the following vote:

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

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



FINAL ADOPTION CLAUSE

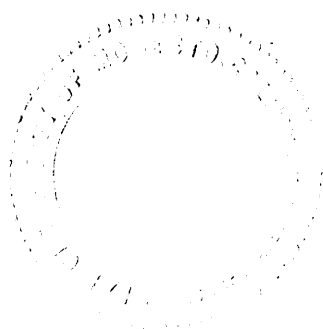
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of May, 1981, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 4, 1981



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

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

SECTION 1. ZONING CHANGE. Section 9-3-9 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 (301) :

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

Beginning at the Northwest corner of Hacienda Estates as shown on  
the official map thereof filed for record in Book 29 of Maps, at  
page 41, Stanislaus County Records; thence South 89° 37' 17" East  
along the north line of said Hacienda Estates and the easterly  
extension thereof, a distance of 298.00 feet to a point on the  
centerline of Coffee Road; thence along said centerline South 0° 50'  
30" East 292.38 feet; thence North 89° 37' 17" West along the  
southerly line of said Hacienda Estates and the easterly extension  
thereof, a distance of 298.13 feet; thence North 0° 48' 57" West  
along the westerly line of said Hacienda Estates, a distance of  
292.38 feet to the point of beginning.

**SECTION 2. USES.** The following uses shall be permitted in said P-D(301) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code.

Residential condominiums

Offstreet parking as shown on the approved plans

SECTION 3. ZONING MAP. Section Map 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 two (2) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 1981, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed


and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED:

  
~~XXXXXXXXXXXXXXXXXXXX~~  
RICHARD A. LANG, Acting Mayor

ATTEST:

  
NORRINE COYLE, City Clerk

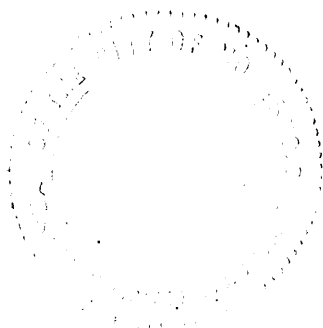
(SEAL)

APPROVED AS TO FORM:

By   
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By   
Department of Planning and  
Community Development



## Ordinance 2036 C.S.

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

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of May, 1981, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED

Peggy Mensinger  
MAYOR PEGGY MENSINGER

ATTEST: Norrine Coyle  
NORRINE COYLE City Clerk

EFFECTIVE DATE: June 18, 1981

ORDINANCE NO. 2037-C.S.

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

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(192), to Low Density Residential Zone, R-1:

Parcel D as shown and as designated on that certain Parcel Map filed December 20, 1976, in Volume 24 of Parcel Maps, at page 12, being a portion of Lot 4 of McKinney Colony, as per map filed November 21, 1903, in Volume 1 of Maps, at page 57.

Including the southerly 30 feet of Veneman Avenue and the northerly 50 feet of the Modesto Irrigation District Lateral No. 7 immediately adjacent to said Parcel D.

SECTION 2. 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 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 two (2) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 1981, by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by

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

AYES: Councilmembers: Bright, Lang, Muratore, Siefkin

NOES: Councilmembers: Elliott, Patterson

ABSENT: Councilmembers: Mayor Mensinger

APPROVED: *Richard A. Lang*  
RICHARD A. LANG, 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 *Matthew Smith*  
Department of Planning and  
Community Development

Ord. No. 2037-C.S.

**FINAL ADOPTION CLAUSE**


The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of May, 1981, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

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

**NOES:** Councilmembers: Patterson

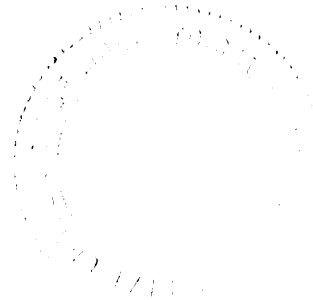
**ABSENT:** Councilmembers: Elliott, Mayor Mensinger

**APPROVED**

  
ACTING MAYOR RICHARD A. LANG

**ATTEST:**   
NORRINE COYLE, City Clerk

**EFFECTIVE DATE:** June 18, 1981



## Ordinance 2037 C.S.

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

AN ORDINANCE AMENDING SECTION MAP 25-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (LESTER AND CORLISS MAXFIELD)

WHEREAS, a verified application for an amendment to Section 25-3-8 of the Zoning Map was filed by Lester and Corliss Maxfield

on February 18, 19 81, to reclassify from a portion of Planned Development Zone, P-D(255), to Low Density Residential Zone, R-1, the hereinafter described property, and

WHEREAS, after public hearing held on April 6, 19 81, 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. 81-91, adopted on April 6, 19 81, the Planning Commission recommended to the Council that the application of Lester and Corliss Maxfield

to amend Section 25-3-8 of the Zoning Map to reclassify the hereinafter described property from a portion of Planned Development Zone, P-D(255), to Low Density Residential Zone, R-1, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on May 12, 1981, 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 2 extra lots to be formed from the applicants 3/4 acre homesite conforms to the R-1 Zone.
- (b) Rezoning to R-1 as proposed provides the most efficient administration for development of the new building sites.

SECTION 2. ZONING CHANGE. Section 25-3-8 of the Zoning

Map is hereby amended to reclassify the following described property

from a portion of Planned Development Zone, P-1(255),  
to Low Density Residential Zone, R 1 :

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

All of Parcel A as recorded in Volume 30 of Parcel Maps at page 120, and all of Lot 65 as shown on the map of Shasta Meadows as recorded in Volume 29 of Maps, at page 78, Stanislaus County Records.

Including also all of the South one-half of Brett Lane, the west one-half of Corliss Place, and the east one-half of Shasta Avenue immediately adjacent to the above described property.

Containing .733 net acres more or less

SECTION 3. ZONING MAP. Section 25-3-8 of the Zoning

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

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least two (2) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

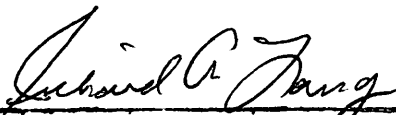
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 1981, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED:


  
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~  
RICHARD A. LANG, 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

## Ordinance 2038 C.S.

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

**FINAL ADOPTION CLAUSE**

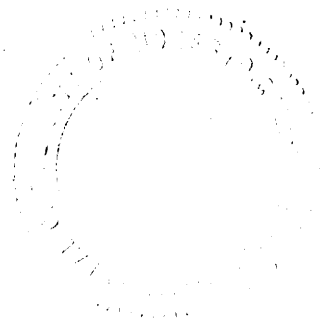
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of May, 1981, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 18, 1981



AN ORDINANCE AMENDING SECTION MAP 8-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (WORLD INVESTMENTS NO. 4)

WHEREAS, a verified application for an amendment to Section 8-4-9 of the Zoning Map was filed by World Investments No. 4

on March 5, 1981, 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 April 6, 1981, 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. 81-87, adopted on April 6, 1981, the Planning Commission recommended to the Council that the application of World Investments No. 4

to amend Section 8-4-9 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 May 19, 1981, 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 property fronts on Hatch Road, a major street.
- (b) The proposed R-2 zoning conforms to the recently adopted Bret Harte Neighborhood Zoning and Development Policy.

SECTION 2. ZONING CHANGE. Section 8-4-9 of the Zoning

Map is hereby amended to reclassify the following described property

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

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

Lots 22 and 23 and that portion of Lots 12 through 17, inclusive of RIO GRANDE COLONY, as per map filed July 5, 1912 in Volume 6 of Maps, page 47, Stanislaus County Records more particularly described as follows:

BEGINNING at the Southwest corner of said Lot 17 on the original Northerly line of a 40 foot County Road known as Hatch Road, as shown on said Rio Grande Colony map; thence North 71° 14' 30" East along said original Northerly line of Hatch Road a distance of 1,459.37 feet to the Southeast Corner of said Lot 12; thence North 0° 22' 10" East along the East line of said Lot 12 a distance of 560.52 feet; thence South 78° 25' 05" West 113.59 feet; thence South 63° 18' 26" West 141.24 feet; thence South 58° 29' 47" West 99.72 feet; thence South 55° 51' 25" West 218.36 feet; thence South 54° 13' 46" West 133.19 feet; thence South 59° 19' 10" West 153.94 feet; thence South 63° 25' 41" West 127.67 feet; thence South 59° 23' 05" West 288.73 feet; thence South 57° 58' 12" West 198.75 feet; thence South 69° 23' 54" West 117.31 feet; to the West line of said Lot 17; thence South 0° 11' West along West line of Lot 17 a distance of 261.65 feet to the point of beginning.

Including also all of the original 40.00 foot wide Hatch Road located between above mentioned Lots 22, 23 and 12, 13; and the North one-half of original 40.00 foot wide Hatch Road immediately adjacent to above mentioned Lots 14 through 17.

SECTION 3. ZONING MAP. Section 8-4-9 of the Zoning

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

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least two (2) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1981, by Councilmember Bright, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

APPROVED: Peck Mensinger  
PECK MENSINGER, Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Michael C. Herrem  
Department of Planning and  
Community Development

## Ordinance 2039 C.S.

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

Ord. No. 2039-C.S.

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of May, 1981, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

APPROVED

*Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 25, 1981

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

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

SECTION 1. ZONING CHANGE. Section 8-3-9 of the Zoning  
Map is hereby amended to reclassify the following described property  
from Medium Density Residential Zone, R-2, to  
Planned-Development Zone, P-D (302) :

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

BEING Lots 21-30 of Block 13050 as shown on that certain map entitled  
"CONTINENTAL PLAZA" filed in Volume 26 of Maps, at Page 85, Stanislaus  
County Record on June 24, 1977.

Including also all of the Southerly one-half of West Union Avenue and  
all of Cougar Court immediately adjacent to the above described pro-  
perty.

**SECTION 2. USES.** The following uses shall be permitted in said P-D(302) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code.

20 residential condominium units

Off-street parking as shown on the approved development plan

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

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least two (2) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1981, 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: Bright, Elliott, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: None

APPROVED:

*Peggy Mensinger*  
PEGGY MENSINGER, Mayor

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *W.S. Nichols Jr.*  
Department of Planning and  
Community Development

## Ordinance 2040 C.S.

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

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 2nd day of June, 1981, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

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

**NOES:** Councilmembers: Patterson

**ABSENT:** Councilmembers: None

APPROVED

*Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 2, 1981

AN ORDINANCE AMENDING SECTION 10-2.1801 OF ARTICLE 18 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO THE ZONING REGULATIONS.

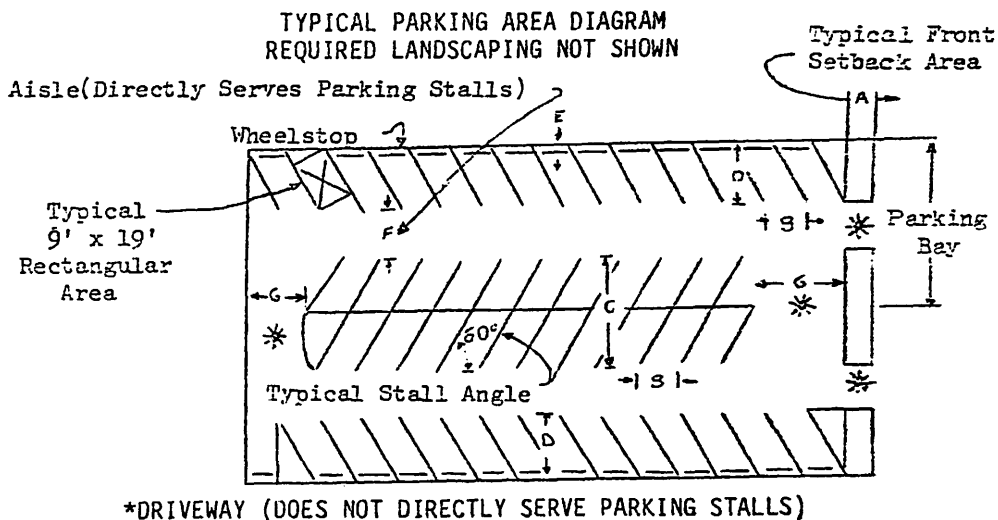
The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 10-2.1801 of Article 18 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.1801. DESIGN REQUIREMENTS. Except as otherwise provided in this article every lot or parcel used as a public or private parking area shall be developed in accordance with the following requirements excepting those parking areas of four (4) or less. Said excepted parking areas, however, shall meet the standard parking space size requirements of the first paragraph of subsection (a). Said excepted parking areas for residences shall also meet location requirements contained in subsection (b).

(a) Size and Access: Each parking space shall contain a rectangle with a minimum width of nine (9') feet and a minimum length of nineteen (19') feet. When the required parking space for a one or two family structure is not provided in a covered garage, such space shall contain a rectangle with a minimum width of ten (10') feet and a minimum length of twenty (20') feet and located so that it may later be covered by a garage structure in accordance with the provisions of this chapter.

The following typical parking area diagram and parking stall and aisle dimension table shall determine the minimum requirements for a parking area plan:



PARKING STALL AND AISLE DIMENSION TABLE

		Parking Angle to Aisle						
		45°	50°	55°	60°	70°	80°	90°
Stall Width	B	12.7'	11.8'	11.0'	10.4'	9.6'	9.1'	9.0'
Stall Depth	D	19.8'	20.3'	20.7'	21.0'	20.9'	20.3'	19.0'
Stall Depth	C	33.2'	34.8'	36.3'	37.5'	38.7'	39.0'	38.0'
Aisle Width	F	8.8'	9.4'	11.6'	15.0'	18.2'	22.4'	27.0'
Bay Width (D, F, D)								
one way aisle		48.4'	50.0'	53.0'	57.0'	60.0'	63.0'	65.0'
two way aisle		59.6'	60.6'	61.4'	62.0'	61.8'	63.0'	65.0'

For any given parking angle between 45° and 90° not specifically listed in the above table, use a table angle nearest the given angle.

Any parking plan showing parking stalls at an angle less than 45° to the driveway or any other plan for which the above table is not applicable, must be approved by the Director of Planning and Community Development and the Director of Parking and Traffic.

The minimum aisle width (F) at any parking stall angle less than 45° including parallel stalls, is eight and eight-tenths (8.8') feet.

The minimum aisle width (F) for 90° parking on a fifty (50') foot lot in the Downtown P-D Zone area, as set forth in Section 10-2.2711, may be twenty-five and five-tenths (25.5') feet.

When two (2) rows of stalls use the same aisle for access, requiring two-way traffic because of stall layout, the aisle shall either be a minimum of twenty (20') feet in width or that which is called for in the table above, whichever is greater.

The turnaround or end driveway width (G) shall be a minimum of eighteen (18') feet.

The wheelstop setback dimension (E) shall be a minimum of two (2') feet for any parking area. See Section 10-2.1808(d) of this article.

The required front setback dimension (A) is as specified in this chapter for the zoning district in which the parking area is to be located and as required by the landscaping provisions of Section 10-2.1808 of this article.

Any driveway used for both ingress and egress to and from a parking area and not directly serving the parking stalls shall have a minimum width of twenty (20') feet. Any driveway used only for either ingress or egress to or from a parking area and not directly serving parking stalls shall be a minimum of ten (10') feet in width. All driveways connecting public rights-of-way to off-street parking areas shall comply with the improvement standards of Section 10-2.1808 of this article.

No parking stall shall be so located as to require a vehicle, while exiting therefrom, to back onto any public street right-of-way, except stalls serving one and two-family dwelling structures may back onto any street, and stalls serving three-family dwelling structures may back onto any street other than a major street as shown on the City's Select Street System Map adopted from time to time by the City Council. However, alleyways may be used for ingress and egress to and from parking stalls provided the stalls are set back the proper distance from the property line so that the aisle width is sufficient, as required in the Parking Stall and Aisle Dimension Table.

Every parking area shall have adequate internal circulation in which no backing movement, except that required to leave a parking stall, is allowed. It should be possible to maneuver within any parking area without use of the public rights-of-way and to maneuver within the parking area so that a car enters the street in a forward manner.

If desired, thirty (30%) per cent of the required parking stalls may be designated for parking small cars. Small car stalls shall contain a rectangular area of exactly seven and one-half (7.5') feet in width and exactly fifteen (15') feet in length. Each small car space shall be identified with the words "small car" painted on the pavement.

Every parking area serving commercial, industrial, and public uses shall include parking stalls for the physically handicapped. Parking stalls for the handicapped shall contain a rectangular area a minimum of twelve (12') feet in width and a minimum of nineteen (19') feet in length. The number of handicapped parking stalls required shall be two (2%) per cent of the total number of stalls provided in any such parking area. In no case shall a parking area contain less than one such stall. Handicapped stalls shall be situated so that the handicapped person will not be required to wheel behind parked cars other than parked cars for the handicapped while entering or exiting the parking area. Each parking stall for the physically handicapped shall be identified by posting containing two (2) signs immediately adjacent to and visible from each stall or space. First, a sign consisting of a profile view of a wheelchair with occupant in white on a blue background. The sign shall be a minimum of twelve (12") inches in width by eighteen (18") inches in height, and may contain the words, "Parking Only." Second, a sign containing the words, "Special Placard or License Plate Required" a minimum of twelve (12") inches in width by six (6") inches in height. The two signs may be combined into one if it contains substantially the same information.

Ramped access ways shall be provided between off-street parking areas and adjacent walk ways. Ramping of access ways shall meet the requirements of the Chief Building Official.

Any dwelling, boarding house, lodging house, motel or hotel which may provide accommodations specifically for the physically handicapped shall also provide parking for the handicapped on not less than a 1 to 1 ratio, one physically handicapped stall to each specially equipped living unit.

(b) Location: Off-street parking areas shall be located as herein-after specified. Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking area to the nearest point of the building that such parking area is required to serve.

(1) For one, two, or multiple-family dwellings, parking areas shall be located on the same lot or building site as the buildings they are required to serve.

(2) For hospitals, sanitariums, rest homes, asylums, orphanages, rooming houses, lodging houses, fraternity and sorority houses, parking areas shall not be located more than one hundred fifty (150') feet from the buildings they are required to serve.

(3) For uses other than those specified above, parking areas shall not be located over four hundred (400') feet from the building they are required to serve.

(c) Plans: The plan of the proposed parking area shall be submitted to the Building Department at the time of the application for the building permit for the building to which the parking area is accessory. The plans shall clearly indicate the proposed development, including the location, size, shape, design, curb cuts, lighting, landscaping and other features and appurtenances of the proposed parking area. All parking areas shall be subject to the same restrictions governing accessory buildings as specified in the zoning district in which said parking areas are located.

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 two (2) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The following ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June, 1981,

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

APPROVED:

Peggy Mensinger  
PEGGY MENSINGER, Mayor

By

Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of June, 1981, Councilmember Patterson 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, Muratore, Patterson, Siefkin, Acting Mayor Lang

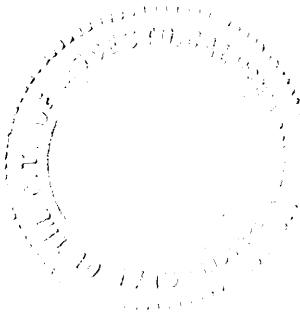
**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Bright, Mayor Mensinger

**APPROVED** *Richard A. Lang*  
ACTING MAYOR RICHARD A. LANG

**ATTEST:** *Morrine Coyle*  
MORRINE COYLE, City Clerk

**EFFECTIVE DATE:** July 16, 1981



AN ORDINANCE AMENDING SECTIONS 10-2.2006, 10-2.2007, 10-2.2010, 10-2.2011, 10-2.2012, 10-2.2102, 10-2.2104, 10-2.2105, 10-2.2106, 10-2.2205, AND 10-2.2206 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE AND ADDING SECTION 10-2.2205.1 THERETO, RELATING TO THE ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 10-2.2006, 10-2.2007, 10-2.2010, 10-2.2011, 10-2.2012, 10-2.2102, 10-2.2104, 10-2.2105, 10-2.2106, 10-2.2205, and 10-2.2206 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.2006. NOTICE AND HEARING ON APPLICATION FOR VARIANCE AND CONDITIONAL USE PERMITS. Upon the filing of an application for a variance or conditional use permit, the Secretary of the Board shall set the matter for a public hearing before the Board of Zoning Adjustment and give notice as provided in Article 22 of this Chapter.

SEC. 10-2.2007. BOARD OF ZONING ADJUSTMENT SHALL MAKE REPORT ON FINDINGS AND DECISION. No more than forty (40) days following the public hearing on a variance or conditional use permit, the Board of Zoning Adjustment shall announce its findings by formal report and said report shall recite, among other things, the facts and reasons which, in its opinion, make the granting or denial of the variance or conditional use permit necessary to carry out the provisions and general purpose of this Chapter, and shall order that the variance or conditional use permit be granted or denied, and if such report orders that the variance or conditional use permit be granted, it shall also recite such conditions and limitations as the Board may impose.

SEC. 10-2.2010. EFFECTIVE DATE OF ORDER GRANTING OR DENYING PERMIT. TIME FOR APPEAL. The resolution of the Board of Zoning Adjustment in granting or denying a variance or conditional use permit shall become final and effective fifteen (15) days after the date of adoption of the resolution granting or denying the variance or conditional use permit unless within such fifteen (15) day period an appeal to the City Council is filed with the City Clerk by any person dissatisfied with the decision of the Board of Zoning Adjustment. The filing of such appeal within such time limit shall stay the effective date of the order of the Board of Zoning Adjustment until such time as the Council has acted on the appeal as hereafter set forth in this Chapter.

SEC. 10-2.2011. TRANSMISSION OF BOARD OF ZONING ADJUSTMENT RECORD TO THE COUNCIL. Upon the filing with the City Clerk of a written appeal as provided herein, the Secretary of the Board of Zoning Adjustment shall thereupon transmit to the Council the Board of Zoning Adjustment's complete record of the case.

SEC. 10-2.2012. SETTING OF PUBLIC HEARING ON APPEAL. Upon the filing with the City Clerk of a written appeal, the City Clerk shall set a public hearing before the City Council. The date of the hearing shall be not less than ten (10) and not more than forty (40) days after the filing of the appeal.

SEC. 10-2.2102. INITIATION OF AMENDMENTS. Amendments of this Chapter may be initiated by:

(a) Zone boundary changes:

(1) An application verified by one or more of the owners of all or a portion of the property proposed to be reclassified.

(2) Resolution of Intention of the Council

(3) Resolution of Intention of the Planning Commission

(b) Changes other than zone boundary changes:

(1) Resolution of Intention of the Council

(2) Resolution of Intention of the Planning Commission

(3) The Secretary of the Planning Commission

SEC. 10-2.2104. COMMISSION TO HOLD HEARING ON AMENDMENTS. Upon filing of a verified application for an amendment, the adoption of a Resolution of Intention by the Planning Commission or the Council, or the initiation by the Secretary of the Planning Commission, the Planning Commission shall hold one (1) public hearing.

SEC. 10-2.2105. COMMISSION TO HOLD HEARING ON UNCLASSIFIED USE PERMITS. Upon the filing of a verified application for an unclassified use permit, the Planning Commission shall hold one (1) public hearing.

SEC. 10-2.2106. TIME FOR HEARING. The hearing by the Planning Commission for an unclassified use permit, zone boundary change, or amendment to this Chapter shall be held at one of the Planning Commission's regular meetings. The Planning Commission, after first having held a public hearing at a regular meeting as prescribed herein, may continue the hearing to a regular or special meeting.

SEC. 10-2.2205. SETTING OF HEARINGS FOR ZONE BOUNDARY CHANGES AND AMENDMENTS TO THIS CHAPTER.

(a) An application for a zone boundary change shall be set by the Secretary of the Planning Commission for a public hearing before the Planning Commission upon receipt of a verified application by one or more of the owners of all or part of the property proposed to be reclassified, or upon the passage of a Resolution of Intention to initiate a zone boundary change by either the Planning Commission or City Council.

(b) Amendments to this Chapter, other than zone boundary changes, shall be set for a public hearing before the Planning Commission by a resolution of either the Planning Commission or the City Council. Additionally, the Secretary of the Planning Commission may initiate and set amendments for public hearing before the Planning Commission when, in the discretion of the Secretary, such hearings are necessary.

(c) Upon the filing with the City Clerk of a Planning Commission resolution recommending to the City Council a zone boundary change or other amendment to this Chapter, the City Clerk shall set a public hearing before the City Council.

(d) The date of the hearings required by this section shall be not less than ten (10) and not more than forty (40) days after the filing of the application or resolution or initiation of the amendment which requires a public hearing.

SEC. 10-2.2206. NOTICE REQUIRED. Notice of any public hearing required by this Chapter shall be given in accordance with the following:

(a) Notice of hearings on proposed amendments to this Chapter other than zone boundary changes, shall be given by publication in the official newspaper of the City of Modesto at least once not less than ten (10) days prior to the date of public hearing.

(b) Notice of hearings on variances, conditional use permits, unclassified use permits or zone boundary changes, or appeals from the decisions of the Planning Commission or Board of Zoning Adjustment, shall be given by mailing a notice to every property owner, as shown on the updated equalized assessment roll of the County of Stanislaus, who owns property, any portion of which is within three hundred (300') feet of the property involved. Such notices shall be deposited in the United State mail not less than ten (10) days prior to the hearing.

(c) In addition to the notices required by this section, supplemental methods of notice may be utilized in the discretion of the Secretary of the Planning Commission, the Secretary of the Board of Zoning Adjustment, or the City Clerk, as the case may be. Such supplemental methods may include mailing of notices where not otherwise required or the posting of notices in the immediate area of and on the involved property.

SECTION 2. AMENDMENT OF CODE. Section 10-2.2205.1 is hereby added to Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.2205.1 SETTING OF HEARINGS FOR CONDITIONAL USE PERMITS, VARIANCES AND UNCLASSIFIED USE PERMITS.

(a) Upon receipt of a verified application from one or more of the owners of the property proposed for a conditional use permit or variance, the Secretary of the Board of Zoning Adjustment shall set the matter for a public hearing before the Board of Zoning Adjustment.

(b) Upon receipt of a verified application from one or more of the owners of the property proposed for an unclassified use permit, the Secretary of the Planning Commission shall set the matter for a public hearing before the Planning Commission. Upon the filing with the City Clerk of a Planning Commission resolution recommending to the City Council the granting of an unclassified use permit, the City Clerk shall set a public hearing before the City Council.

(c) The date of the hearings required by this section shall be not less than ten (10) and not more than forty (40) days after the filing of the application or resolution which requires a public hearing.

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 two (2) 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 2nd day of June, 1981, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST:

By

Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 9th day of June, 1981, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

**APPROVED** Peggy Mensinger  
MAYOR PEGGY MENSINGER

**ATTEST:** Norrine Coyle  
NORRINE COYLE, City Clerk



**EFFECTIVE DATE:** July 9, 1981

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

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

SECTION 1. ZONING CHANGE. Section 10-3-9 of the Zoning  
Map is hereby amended to reclassify the following described property  
from High Density Residential Zone, R-3, to  
Planned-Development Zone, P-D (298) :

ALL of Parcel "3", as shown on the map filed in Book 28 of Parcel Maps, at Page 46, Stanislaus County Records, and a portion of the southwest quarter of Section 10, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning at the West quarter corner of said Section 10, being at the intersection of the centerline of Sylvan Avenue with the centerline of Coffee Road; thence North 89°26' East, along the quarter section line and centerline of Sylvan Avenue, 580.22 feet to the intersection with the centerline of Kingswood Drive as shown on abovereferenced map; thence South 0°34' East along said centerline, 827.95 feet to the intersection with the centerline of Princewood Lane as shown on abovereferenced map; thence South 89°12'50" West along said centerline, 577.05 feet to the West line of said Section 10 and centerline of Coffee Road as shown on abovereferenced map; thence North 0°47'10" West along said section line and centerline, 830.17 feet to the Point of Beginning.

**SECTION 2. USES.** The following uses shall be permitted in said P-D(298) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code.

(a) One financial institution (Building Q.)

(b) Uses as permitted in the P-O Zone

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

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least two (2) 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 June, 1981, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore

NOES: Councilmembers: Patterson, Siefkin, Mayor Mensinger

ABSENT: Councilmembers: None

APPROVED:

*Peggy Mensinger*  
PEGGY MENSINGER, Mayor

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

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

## Ordinance 2042 C.S.

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

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1981, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

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

**NOES:** Councilmembers: Patterson, Siefkin


**ABSENT:** Councilmembers: Mayor Mensinger

APPROVED



~~MEMOR PEGGY MENSINGER~~  
RICHARD A. LANG, Acting Mayor

ATTEST:

  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 23, 1981

AN ORDINANCE AMENDING SECTION MAP 29-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (RACOR)

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

SECTION 1. ZONING CHANGE. Section 29-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, and Medium High Density Residential Zone, R-3, to Professional Office Zone, P-O, property located at the northeast corner of Needham and Sycamore Avenues, described as follows:

R-1 and R-3 To P-0

ALL that certain real property situate in a portion of the northeast quarter of Section 29, 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:

R-1 To P-0

All of the Southerly 19.00 feet of Lot 13 of City of Modesto Block 534. Including also all of the east one-half of Sycamore Avenue and the west one-half of the 18-foot wide alley in said Block.

R-3 To P-0

All of Lots 14, 15, 16, and 17 of City of Modesto Block 534. Including also all of the east one-half of Sycamore Avenue, the West one-half of the 18-foot wide alley in said Block and the northerly 42.5 feet located between the original centerline of Needham Street and said Lot 17.

SECTION 2. ZONING MAP. Section 29-3-9 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 3. PUBLICATION. This ordinance shall be published in full at least once at least two (2) 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 June, 1981, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Patterson

NOES: Councilmembers: Siefkin, Mayor Mensinger

ABSENT: Councilmembers: None

APPROVED: \_\_\_\_\_

*Peggy Mensinger*  
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *William Dicks*  
Department of Planning and Community  
Development

## Ordinance 2044 C.S.

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

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of July, 1981, Councilmember Elliott moved its final adoption, which motion being duly seconded by Councilmember Bright, was upon roll call carried and the ordinance adopted by the following vote:

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

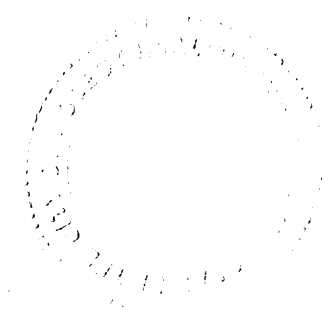
**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Patterson, Mayor Mensinger

**APPROVED** *Richard A. Lang*  
ACTING MAYOR RICHARD A. LANG

**ATTEST:** *Morrine Coyle*  
MORRINE COYLE, City Clerk

**EFFECTIVE DATE:** August 6, 1981



ORDINANCE NO. 2045 C. S.

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

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 748-C. S., AS AMENDED BY ORDINANCE NO. 1964-C. S. Section 2 of Ordinance No. 748-C. S., as amended by Ordinance No. 1964-C. S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(21) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

(a) FOOD SERVICES.

Supermarket, bakery, delicatessen, meat, poultry and fish, frozen foods, dairy drive-in, candy and confections.

(b) RETAIL COMMERCIAL USES.

Variety store, family clothiers (men's, women's, infants', and children's), shoes, shoe repair-other apparel accessories, custom tailoring (dress making, millinery shop), ladies specialty - hosiery, handbags, bridal shop, maternity, sporting foods, jewelry, florist, flower shops, cigar stand, news dealer, music and records, cameras and photo supplies, gifts, novelties. card shop, travel agency, hobby shop, luggage, imports, interiors, toys, trading stamp redemption center, post office, service station, auto accessories, laundromat, dry cleaners, laundry, antiques, optometrist, office supplies, stationery, hardware, bank, bank savings and loan, personal finance company, utilities collection agency, drug store, liquors - package store, books and stationery, tobacco shop, sewing machines, fabrics, lock and key shop, radio and television - including repairs, interior decorating, coin collector, health foods, art shop, lending library, drapery and curtain shop, nursery and baby supplies, stock brokerage, music studio and dance, nut shop, paint and wallpaper (related business offices), title company, lawn mower and bicycle shop.

- (c) EATING ESTABLISHMENTS.  
Restaurants, cafeteria, sandwich shop, coffee shop,  
carry-out foods, donut shop, ice cream shop.
- (d) PERSONAL SERVICES.  
Barber shop, beauty shop, slenderizing salon, pet  
clipping services.
- (e) FAMILY AMUSEMENT MACHINE CENTER,
- (f) MEDICAL AND PROFESSIONAL OFFICES.
- (g) CONVALESCENT HOSPITAL OR REST HOME.
- (h) GENERAL OFFICES.
- (i) MULTIPLE-FAMILY APARTMENTS AND RESIDENTIAL  
CONDOMINIUMS - with maximum density of thirty (30) dwelling  
units per acre.
- (j) CHURCH.
- (k) PARKING as indicated on the approved plans.

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

**SECTION 3. PUBLICATION.** This ordinance shall be published in full at least once at least two (2) 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 June, 1981, by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: Elliott, Muratore

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

**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 June, 1981, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Bright, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Patterson, Siefkin, Acting Mayor Lang

**NOES:** Councilmembers: Elliott, Muratore

**ABSENT:** Councilmembers: Mayor Mensinger

**APPROVED**

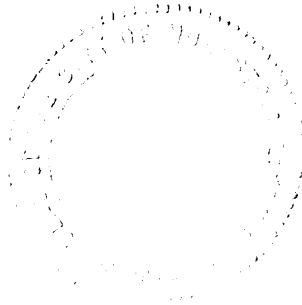
  
ACTING MAYOR RICHARD A. LANG

**ATTEST:**

  
MORRAINE COYLE, City Clerk

**EFFECTIVE DATE:**

July 16, 1981



AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 942-C. S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 10-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, PREZONING CERTAIN PROPERTY LOCATED THEREON. (HAIG BERBERIAN PREZONING - COMMERCIAL SHOPPING CENTER)." (MARIE CALLENDERS)

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 942-C. S. Section 2 of Ordinance No. 942-C. S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(53) Zone, subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code. Said uses are as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to the issuance of a building permit:

C-1 uses: 1) Apparel store and related accessories; 2) Baby sitters' agency; 3) Barber shop, beauty shop; 4) Camera and photographic supply; 5) Cigar store and stand; 6) Diaper service; 7) Drug and proprietary medicine; 8) Dry cleaners, coin operated; 9) Eating and drinking establishments (as qualified in C-1 zone); 10) Food stores; 11) General merchandise; 12) Gift, novelty and souvenir; 13) Glass-ware; 14) Hat cleaning; 15) Interior decorating service; 16) Laundry and dry cleaning agency, including self service; 17) Liquor (off premises consumption); 18) News dealer and newsstand; 19) Parking area; and 20) Variety store.

C-2 uses: 1) Amusement and recreation services; 2) Child day care for more than six (6) children; 3) Private recreational grounds and facilities; 4) Hobby shop; 5) Travel bureau; and 6) A restaurant and bar serving alcoholic beverages with or without food.

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 two (2) 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 June, 1981, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: Siefkin

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, Mayor

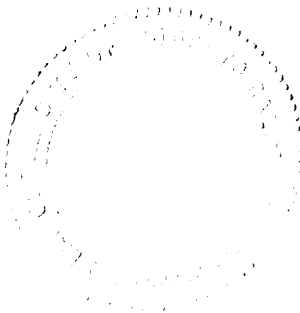
ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



**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 June, 1981, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Elliott, Muratore, Patterson, Acting Mayor Lang

**NOES:** Councilmembers: Siefkin

**ABSENT:** Councilmembers: Mayor Mensinger

**APPROVED**

  
ACTING MAYOR RICHARD A. LANG

**ATTEST:**

  
NORRINE COYLE City Clerk

**EFFECTIVE DATE:** July 16, 1981

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

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 (303):

R-1 to P-D

ALL that certain real property situated in the southwest quarter of Section 7, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, described as follows:

All that portion of Parcel 4 as shown on the Record of Survey map recorded in Volume 14 of Surveys, at Page 171, and all of Lot 1, Block 13313 as shown on the map of Applegate No. 5 as recorded in Volume 24 of Maps at Page 62, Stanislaus County Records, more particularly described as follows:

Commencing at the West quarter corner of said Section 7; thence South  $0^{\circ}02'50''$  East on the West line of Section 7, a distance of 992.63 feet to the northwest corner of said Parcel 4 and the POINT OF BEGINNING of this description; thence South  $88^{\circ}15'40''$  East on the North line of said Parcel 4 a distance of 1174.00 feet; thence South  $0^{\circ}00'49''$  East, 498.20 feet to the prolongation of the present centerline of 60 foot wide Sheldon Avenue; thence South  $88^{\circ}18'45''$  East on said centerline prolongation, 140.32 feet to the northerly prolongation of the easterly line of said Lot 1 of Applegate No. 5; thence South  $0^{\circ}00'17''$  East along said northerly prolongation 30.01 feet to the northeast corner of said Lot 1 of Applegate No. 5 and the present South line of 60 foot wide Sheldon Avenue; thence South  $0^{\circ}00'17''$  East on the East line of Lot 1, a distance of 105.94 feet to the southeast corner of said Lot 1, thence North  $88^{\circ}18'45''$  West on the South line of Lot 1, a distance of 428.84 feet to the southwest corner of said Lot 1 and a point on the easterly line of said Parcel 4; thence South  $78^{\circ}46'01''$  West on the easterly line of Parcel 4, a distance of 352.98 feet to the beginning of a curve concave to the southeast, having a radius of 70.55 feet and

a central angle of  $40^{\circ}04'23''$ ; thence southwesterly on the arc of said curve and the easterly line of said Parcel 4, a distance of 49.34 feet; thence continuing on said easterly line South  $38^{\circ}41'38''$  West, 315.65 feet to the southeast corner of said Parcel 4 and the most westerly corner of said Applegate No. 5 subdivision; thence North  $88^{\circ}23'20''$  West on the South line of said Parcel 4, a distance of 304.27 feet to the West line of said Section 7; thence North  $0^{\circ}02'50''$  West on the West line of said Section 7, a distance of 987.95 feet to the point of beginning.

Containing 21.55 gross acres more or less.

SECTION 2. USES. The following uses shall be permitted in said P-D(303) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code.

One and two-story residential condominiums;  
off-street parking as shown on the approved  
development plan.

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 two (2) 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 June, 1981, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bright, was upon roll call carried and ordered printed

and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

*Peggy Mensinger*  
PEGGY MENSINGER, Mayor

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

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

APPROVED AS TO DESCRIPTION:

By

*Arthur Swick*  
Department of Planning and  
Community Development

## Ordinance 2047 C.S.

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

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of June, 1981, Councilmember Patterson 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, Muratore, Patterson, Siefkin, Acting Mayor Lang

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Bright, Mayor Mensinger

APPROVED

  
ACTING MAYOR RICHARD A. LANG

ATTEST:

  
MORRINE COYLE, City Clerk

EFFECTIVE DATE: July 16, 1981



AN ORDINANCE AMENDING SECTION 3-2.803 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTION 3-2.803.1 THERETO RELATING TO TRAFFIC REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.803 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.803. VEHICLES SHALL NOT BE DRIVEN ON THE SIDEWALK. Except as provided in Section 3-2.206 and 3-2.803.1 of this chapter, the driver of a vehicle other than a bicycle, shall not drive within any sidewalk area or any parkway except at a permanent or temporary driveway.

SECTION 2. AMENDMENT OF CODE. Section 3-2.803.1 of Chapter 2 of Title III of the Modesto Municipal Code is hereby added to read as follows:

SEC. 3-2.803.1. OPERATION OF ELECTRIC CARTS BY DISABLED PERSONS. Notwithstanding the provisions of section 3-2.803 of this chapter, an electric cart or wheelchair may be parked or operated upon a sidewalk area or a parkway area by a physically disabled person, provided, however, that the person owning the electric cart or wheelchair first apply to the Chief of Police for a permit and an identification sticker to so operate the cart or wheelchair, and that such person affix such identification sticker to the cart or wheelchair so operated.

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 two (2) 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 June, 1981,



**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 June, 1981, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

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

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Mayor Mensinger

**APPROVED**

*Richard A. Lang*  
~~MAYOR PEGGY MENSINGER~~  
RICHARD A. LANG, Acting Mayor

**ATTEST:**

*Norrine Coyle*  
NORRINE COYLE, City Clerk

**EFFECTIVE DATE:** July 23, 1981

AN ORDINANCE AMENDING SECTION 5-6.12 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTION 5-6.12.1 THERETO RELATING TO SEWAGE COLLECTION AND DISPOSAL.

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

SECTION 1. AMENDMENT OF CODE. Section 5-6.12 of Chapter 6 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-6.12. PERMITS. (a) Industrial Users. Before an industrial waste connection is made to the sewage system, a permit must first be obtained from the Director. Application for a permit to discharge such wastes shall be in writing and shall contain the following information:

- (1) Name and address of applicant.
- (2) Proposed location of connection.
- (3) Estimated gallonage of wastes proposed to be discharged, estimated time of discharge, time of peak loads, and other similar data.
- (4) Character of waste proposed to be discharged.
- (5) Other information as may be deemed to be necessary by the Director.

Upon receipt of an application as provided, the Director shall promptly make such investigation as he shall deem necessary.

In the event that the Director finds and determines:

- (1) That the trunk sewer in which the connection is to discharge has sufficient unused carrying capacity for the disposition of these wastes;
- (2) That the character of the wastes proposed to be discharged by the applicant is such that they can successfully be treated;
- (3) That such wastes will not result in damage to the sewage system; then he shall issue a permit to the applicant as requested.

The Director, at his discretion, and toward the end of fulfilling the intent and purposes of this Chapter, may grant a permit in part only and may thereupon prescribe conditions with respect to discharge of such waste into such system, and may require treatment thereof, the maintenance of individual screens to collect waste products and/or may require the construction and use of tanks designed to equalize flow and reduce peak load.

In the event that after the granting of a permit, as provided for in this Chapter, it shall develop, by reason of increased flow, change of character of discharge or for any cause whatsoever that it becomes necessary or desirable to change the conditions prescribed at the time of issuing said permit, then the Director may revoke said permit or may impose further conditions with respect thereto, toward the end of remedying such conditions.

(b) Capacity Allocation. Each industrial user, at the time a permit is issued in accordance with subsection (a) above, shall be assigned a capacity allocation for peak rate of discharge; daily discharge, monthly discharge, and annual discharge measured in million gallons (MG). Whenever the gallonage of flow of an industrial user falls below eighty percent (80%) of the user's capacity allocation for two (2) consecutive calendar years, a new permit shall be issued. The Director shall assign a revised capacity allocation for peak rate of discharge; daily discharge, monthly discharge, and annual discharge for a new permit based on the actual gallonage recorded during the two (2) consecutive calendar years during which the gallonage of flow fell below eighty percent (80%) of the industrial user's assigned capacity allocation.

(c) All other Users. Permits for all sewer connections, except industrial users, shall be obtained in accordance with the provisions of the Plumbing Code of the City.

SECTION 2. AMENDMENT OF CODE. Section 5-6.12.1 is hereby added to Chapter 6 of Title V of the Modesto Municipal Code to read as follows:

SEC. 5-6.12.1 CAPACITY CHARGE. Whenever the annual gallonage of flow from an industrial user for a calendar year falls below eighty percent (80%) of the capacity allocation shown on a permit issued in accordance with Section 5-6.12, the industrial user shall pay for that calendar year a minimum sewer service charge, based on eighty percent (80%) of the capacity allocation shown on the permit, to pay for unused capacity allocated to the industrial user.

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 two (2) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.



Ord. No. 2049-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 June, 1981, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

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

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Mayor Mensinger

APPROVED

  
~~MAYOR PEGGY MENSINGER~~  
RICHARD A. LANG, Acting Mayor

ATTEST:   
MORRINE COYLE, City Clerk

EFFECTIVE DATE: July 23, 1981

AN ORDINANCE AMENDING SECTION MAP 14-3-9 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 14-3-9 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 (311) :

All that certain real property situate in a portion of the  
Northwest Quarter of Section 14, Township 3 South, Range 9  
East, Mount Diablo Base and Meridian, in the City of Modesto,  
County of Stanislaus, State of California, described as follows:

All of Parcel 1 as shown on that certain parcel map filed in the  
Office of the Recorder of Stanislaus County, California, on  
February 17, 1970, in Volume 8 of Parcel Maps, page 36.

Including also the South 30.00 feet of Floyd Avenue and the  
East 50.00 feet of Oakdale Road immediately adjacent to the  
above described property.

**SECTION 2. USES.** The following uses shall be permitted in said P-D(311) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code.

1. Financial Institution
2. C-1 Neighborhood Commercial Uses.

SECTION 3. ZONING MAP. Section Map 14-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least two (2) 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 June, 1981, by Councilmember Bright, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed

and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED:

Richard A. Lang  
RICHARD A. LANG, Acting Mayor

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

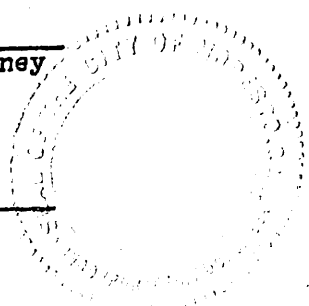
(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

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



## Ordinance 2050 C.S.

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

Ord. No. 2050-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 July, 1981, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

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


**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Patterson, Mayor Mensinger

**APPROVED**

  
ACTING MAYOR RICHARD A. LANG

**ATTEST:**

  
NORRINE COYLE, City Clerk

**EFFECTIVE DATE:** August 6, 1981