

ORDINANCE NO. 2215 -C.S.

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

WHEREAS, a verified application for an amendment to Section 9-3-9 of the Zoning Map was filed by Charles V. Pittman

on July 15, 1983, to reclassify from Low Density Residential Zone, R-1, to Highway Frontage Zone, H-1, the hereinafter described property, and

WHEREAS, after public hearing held on August 15, 1983, 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. 83-127, adopted on August 15, 1983, the Planning Commission recommended to the Council that the application of Charles V. Pittman

to amend Section 9-3-9 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Highway Frontage Zone, H-1, be approved.

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on September 20, 1983, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. All adjacent properties along McHenry Avenue are zoned H-1 or Planned Development to allow commercial uses.
2. The property is developed with a used car lot and H-1 zoning would remove the nonconforming status and allow expansion or upgrading of the use subject to H-1 Zone standards.

SECTION 2. ZONING CHANGE. Section 9-3-9 of the Zoning

Map is hereby amended to reclassify the following described property

from Low Density Residential Zone, R-1,

to Highway Frontage Zone, H-1 :

All that certain real property situate in a portion of the northwest 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:

All of Parcel "B" according to the parcel map filed in the office of the Recorder of Stanislaus County, California, on November 15, 1973, in Book 18 of Parcel Maps, at Page 8.

Including also all of the Southern one-half of East Union Avenue and the Eastern one-half of McHenry Avenue immediately adjacent to the above described property.

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

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

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

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of September, 1983, by Councilmember Whiteside, 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, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Ray Mensinger  
PELLE 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 Prochida  
Department of Planning and  
Community Development

Ordinance 2215 C.S.  
Exhibit A – Map

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

Ord. No. 2215-C.S.

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 27th day of September, 1983, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Lang, Muratore, Sutton, Whiteside, Mayor Mensinger  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Patterson

APPROVED

Peggy Mensinger  
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 26, 1983

AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF THE ZONING MAP TO REPEAL P-D(248) AND REZONE TO R-1, PROPERTY LOCATED ON THE NORTH SIDE OF EAST FAIRMONT AVENUE WEST OF COFFEE ROAD.

WHEREAS, the City Council, by Ordinance No. 1895-C.S., which was adopted on November 13, 1979, and which became effective on December 29, 1979, amended Section Map 21-3-9 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(248), to allow a condominium project on the north side of East Fairmont Avenue, west of Coffee Road, and

WHEREAS, City Council Resolution No. 79-1204 adopted on November 13, 1979, approved the development schedule for P-D(248) which specified that the entire construction program be accomplished in one phase, construction to begin on or before January 1, 1981, and completion to be not later than January 1, 1982, and

WHEREAS, the Planning Commission by its Resolution No. 81-5, adopted on January 5, 1981, granted a one year time extension for P-D (248) and on June 1, 1981, by its Resolution No. 81-128A, the Planning Commission further extended the development for P-D (248) to coincide with the subdivision map filing deadline for the project, and

WHEREAS, the Planning Commission by its Resolution No. 82-92, adopted on June 7, 1982, granted a second year time extension with construction to begin on or before June 3, 1983, and completion to be not later than June 3, 1984, and

WHEREAS, the applicant has failed to make any site improvements and has failed to meet the approved development schedule, and

WHEREAS, Section 10-2.2709(c) of the Modesto Municipal Code provides that if the owner or owners of property in P-D Zones have failed to meet the approved development schedule, the Planning Commission shall initiate proceedings to repeal the P-D Zone and rezone the property to the zone classification it held immediately prior to being zoned P-D, and

WHEREAS, the Planning Commission, by Resolution No. 83-112, adopted on August 1, 1983, initiated proceedings to repeal P-D(248) and rezone the property to Low Density Residential Zone, R-1, setting August 15, 1983 as the date for public hearing, and

WHEREAS, after a public hearing held on August 15, 1983, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission that the repeal of Planned Development Zone, P-D(248) and rezoning the property back to Low Density Residential Zone, R-1, is required by public necessity, convenience and general welfare for the following reasons:

1. The existing P-D(248) Zone no longer represents an actual development proposal, but has become a "holding zone".
2. The proposed R-1 Zone will not be construed to prohibit a new P-D Zone from being sought at a later date when development becomes imminent.
3. The proposed rezoning substantially conforms to the General Plan.

and

WHEREAS, by Resolution No. 83-131, adopted August 15, 1983, the Planning Commission recommended to the City Council that Section Map 21-3-9 of the Zoning Map be amended to repeal P-D(248) and rezone the property hereinafter described to Low Density Residential Zone, R-1, and

WHEREAS, said matter was set for public hearing before the Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, in the City of Modesto, at 4:00 p.m. on September 20, 1983, at which time evidence, both oral and documentary, was taken and introduced,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended rezoning of Planned Development Zone, P-D(248), back to Low Density Residential Zone, R-1, is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 83-131, and quoted above.

SECTION 2. ZONING CHANGE. Section 21-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(248), to Low Density Residential Zone, R-1:

All that portion of the North half of the East half of Lot 10 of Rice Colony, according to the Map thereof filed in the office of the County Recorder of Stanislaus County, California, on February 19, 1904, in Volume 1, of Maps, Page 54, and also being situated in Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and described as follows:

Parcel A

Beginning at the Southwest corner of the North half of the East half of said Lot 10. thence North and along the West line of said North half of the East half of said Lot 10, a distance of 192.52 feet, more or less, to the center of a private ditch, thence East and along the center of said private ditch, a distance of 180 feet to the Northeast corner of the land conveyed to Antonino Mignano and Catherine G. Mignano by deed recorded October 17, 1969, in Volume 2298 of Official Records, Page 105 and the true point of beginning of this description; thence continue East and along the center of said private ditch a distance of 126.30 feet to the Northeast corner of the land conveyed to E. E. McCracken and Martha J. McCracken, by deed recorded January 27, 1936, in Volume 579 of Official Records, Page 473, thence South and parallel to the West line of the North half of the East half of said Lot 10, a distance of 192.52 feet more or less, to a point on the south line of said North half of the East half of said Lot 10, thence West and along the South line of said North half of the East half of said Lot 10, a distance of 126.30 feet, thence North and parallel to the West line of said North half of the East half of said Lot 10, a distance of 192.52 feet more or less to the true point of beginning of this description.

Parcel B

Commencing at the Northeast corner of said North half of the East half of said Lot 10, said corner being in the centerline of County Road, (Coffee Road); running thence West along the North line of the North half of the East half of said Lot 10, a distance of 659.60 feet to the Northwest corner of said North half of the East half of said Lot 10; thence South along the West line of said North half of East half of said Lot 10, a distance of 138.50 feet to the center of a private ditch; thence East along said private ditch, a distance of 306.30 feet to an iron pipe set on the West line of land conveyed to Barney Webster and Hazel Webster, his wife, as joint tenants, by Deed dated January 30, 1933, and recorded February 2, 1933, as Instrument No. 1062, Stanislaus County Records; thence North along the West line of said land so conveyed to Webster, a distance of 15.33 feet to an iron pipe set at Northwest corner of said land of Webster; thence East along the North line of land so conveyed to Webster, a distance of 355 feet to the centerline of County Road (Coffee Road); thence North along the centerline of said County Road, a distance of 122.70 feet to the point of beginning.

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

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

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of September, 1983, 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, Lang, Muratore, Patterson, Sutton, Whiteside, 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

APPROVED AS TO DESCRIPTION:

By Altham Prochida  
Department of Planning and  
Community Development

Ordinance 2216 C.S.  
Exhibit A – Map

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

Ord. No. 2216-C.S.

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 27th day of September, 1983, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Lang, Muratore, Sutton, Whiteside, Mayor Mensinger  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Patterson

APPROVED

*Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 26, 1983

ORDINANCE NO. 2217-C.S.

AN ORDINANCE AMENDING SECTION 2-3-8 OF THE ZONING MAP TO REPEAL P-D(245) AND REZONE TO R-1, PROPERTY LOCATED AT THE SOUTHEAST CORNER OF PELANDALE AVENUE AND HONEYCREEK ROAD.  
(MICHAEL EPSTEIN)

WHEREAS, the City Council, by Ordinance No. 1881-C.S., which was introduced on October 2, 1979, and which became effective on November 15, 1979, amended Section Map 2-3-8 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(245), property located at the southeast corner of Pelandale Avenue and Honeycreek Road, and

WHEREAS, the City Council, by Resolution No. 79-1061, approved the development plan for Planned Development Zone, P-D(245) with a development schedule which specified that the construction be in one phase, to begin construction on or before December 31, 1980, and to be completed not later than December 31, 1981, and

WHEREAS, on May 18, 1981, the Planning Commission by Resolution No. 81-122 granted a time extension to the development schedule calling for construction to begin on or before June 1, 1982, and to be completed by June 1, 1984, and

WHEREAS, by Resolution No. 82-140 adopted on September 7, 1982, the Planning Commission recommended to the City Council that Planned Development Zone, P-D(245) be rezoned to Low Density Residential Zone, R-1, and

WHEREAS, by Resolution No. 82-762, adopted on October 5, 1982, the City Council overruled the recommendation of the Planning Commission and granted an extension to the development schedule calling for construction to begin on or before June 1, 1983, and be completed by June 1, 1985, and

WHEREAS, on July 18, 1983, the Planning Commission by Resolution No. 83-102 set a hearing to review Planned Development Zone, P-D(245) and modify or repeal it since the development schedule had expired and construction had not begun, and

WHEREAS, a public hearing was held by the Planning Commission on August 15, 1983 in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the Planning Commission by Resolution No. 83-128, adopted on August 15, 1983, found and determined that an amendment to Section 2-3-8 of the Zoning Map to repeal Planned Development Zone, P-D(245), and rezone to Low Density Residential Zone, R-1, property located at the southeast corner of Pelandale Avenue and Honeycreek Road, in the City of Modesto, is required by public necessity, convenience and general welfare for the following reasons:

1. The project has had four years in which to be developed.
2. The property owner has indicated that he does not intend to build the project, desiring further time only in order to sell the property with an approved plan.

and

WHEREAS, said recommended amendment was set for public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on September 20, 1983, at 4:00 p.m., and

WHEREAS, after hearing evidence, both oral and documentary, the Council finds and determines that the proposed amendment to Section 2-3-8 of the Zoning Map to repeal Planned Development Zone, P-D(245) and to rezone to

Low Density Residential Zone, R-1, property located at the southeast corner of Pelandale Avenue and Honeycreek Road, in the City of Modesto, should be approved,

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

SECTION 1. COUNCIL FINDINGS. the Council of the City of Modesto finds and determines that the repeal of Planned Development Zone, P-D(245) and rezoning of the property to Low Density Residential Zone, R-1, is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 83-128, and quoted above.

SECTION 2. ZONING CHANGE. Section 2-3-8 of the Zoning Map is hereby amended to repeal Planned Development Zone, P-D(245), and rezone to Low Density Residential Zone, R-1, property located at the southeast corner of Pelandale Avenue and Honeycreek Road, in the City of Modesto, and described as follows:

The westerly 300 feet of the north one-half of the southeast one-quarter of the southeast one-quarter of Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian.

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

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

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3)

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of September, 1983, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Sutton, Whiteside,  
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

APPROVED AS TO DESCRIPTION:

By William Arnold

Department of Planning and  
Community Development

Ordinance 2217 C.S.  
Exhibit A – Map

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

Ord. No. 2217-C.S.

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 27th day of September, 1983, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

**AYES: Councilmembers:** Bright, Lang, Muratore, Sutton, Whiteside, Mayor Mensinger

**NOES: Councilmembers:** None

**ABSENT: Councilmembers:** Patterson

APPROVED

Peggy Mensinger  
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 26, 1983

ORDINANCE NO. 2218 -C.S.

AN ORDINANCE AMENDING SECTION MAP 10-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO REZONE FROM P-D(308) TO P-D(211), PROPERTY LOCATED ON THE SOUTHWEST CORNER OF OAKDALE ROAD AND SYLVAN AVENUE. (U.S. BY-PRODUCTS, INC.)

WHEREAS, the City Council, by Ordinance No. 2057-C.S., which was introduced on July 7, 1981, finally adopted on July 14, 1981, and which became effective August 13, 1981, amended Section Map 10-3-9 of the Zoning Map to reclassify a portion of Planned Development Zone, P-D(211), to Planned Development Zone, P-D(308), to allow a neighborhood shopping center, property located on the southwest corner of Oakdale Road and Sylvan Avenue, and

WHEREAS, the City Council, by Resolution No. 81-567, approved a development plan for Planned Development Zone, P-D(308), and

WHEREAS, a verified application for an amendment to Section 10-3-9 of the Zoning Map was filed by U. S. By-Products, Inc., on June 15, 1983, to rezone from Planned Development Zone, P-D(308), back to Planned Development Zone, P-D(211) to allow a multiple-family residential development, property located on the southwest corner of Oakdale Road and Sylvan Avenue, and

WHEREAS, a public hearing to consider said application for amendment was held by the Planning Commission on August 1, 1983, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the Planning Commission, by Resolution No. 83-120, adopted on August 1, 1983, found and determined that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. Multiple-family residential development at this location is consistent with the Modesto Urban Area General Plan.

2. The property was originally part of P-D(211) and is to be rezoned for development in accordance with the original plan for P-D(211).

and

WHEREAS, said application for an amendment was set for public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on September 6, 1983, at 4:00 p.m., and continued to September 20, 1983, at 4:00 p.m.,

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

SECTION 1. COUNCIL FINDINGS. The Council of the City of Modesto finds and determines, after hearing evidence, both oral and documentary, that the application for an amendment to Section 10-3-9 of the Zoning Map, filed by U. S. By-Products, Inc. on June 15, 1983, to rezone from Planned Development Zone, P-D(308), to Planned Development Zone, P-D(211), is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 83-120, and quoted above, and should be approved.

SECTION 2. ZONING CHANGE. Section 10-3-9 of the Zoning Map is hereby amended to rezone from Planned Development Zone, P-D(308) to Planned Development Zone, P-D(211), property located on the southwest corner of Oakdale Road and Sylvan Avenue, in the City of Modesto, and described as follows:

All that certain real property situate in a portion of the Southeast Quarter of Section 10, 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:

BEGINNING at the East Quarter corner of said Section 10, said point being the centerline intersection of Sylvan Avenue with Oakdale Road; thence South  $0^{\circ} 10' 55''$  West along the East line of said Section 10, and said centerline of Oakdale Road, a distance of 752.66 feet; thence North  $89^{\circ} 49' 05''$  West, 723.45 feet; thence North  $18^{\circ} 36' 35''$  West, 7.44 feet, thence Northeasterly along an arc of a tangent curve to the right, having a radius of 400.00 feet, through a central angle of  $46^{\circ} 32' 00''$ , an arc distance of 324.86 feet to a point of compound curvature; thence Northwesterly along an arc of a compound curve to the left, having a radius of 300.00 feet, through a central angle of  $27^{\circ} 12' 10''$ , an arc distance of 142.43 feet; thence tangent to the preceding curve North  $0^{\circ} 43' 15''$  East, 300.00 feet to the intersection with the East-West Quarter Section Line of said Section 10 and said centerline of Sylvan Avenue; thence South  $89^{\circ} 16' 45''$  East along said East-West Line and said centerline of Sylvan Avenue a distance of 663.93 feet to the Point of Beginning.

SECTION 3. USES. The following uses shall be authorized in said property rezoned from Planned Development Zone P-D(308) to Planned Development Zone, P-D(211), subject to compliance with Section 10-2.2704 of the Municipal Code prior to the issuance of a building permit:

Multiple family residential development or condominium development as set forth in Section 3 of Ordinance No. 1807-C.S. entitled, "An Ordinance Amending Section Map 10-3-9 and 15-3-9 of the Zoning Map of the City of Modesto, Reclassifying Certain Property Located Thereon. (H. Naraghi Farms)" as amended by Ordinance No. 1885-C.S., or as said ordinance may hereafter be amended.

SECTION 4. 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 5. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 6. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of September, 1983, by Councilmember Whiteside, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

  
PEGGY MENSINGER, Mayor

ATTEST:


By

  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

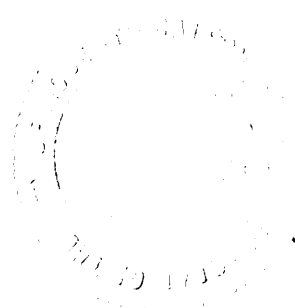
By

  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By

  
Department of Planning and Community  
Development



**Ordinance 2218 C.S.  
Exhibit A – Map**

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

Ord. No. 2218-C.S.

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 27th day of September, 1983, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

**AYES: Councilmembers:** Bright, Lang, Muratore, Sutton, Whiteside, Mayor Mensinger  
**NOES: Councilmembers:** None  
**ABSENT: Councilmembers:** Patterson

APPROVED

  
MAYOR PEGGY MENSINGER

ATTEST:

  
MORRINE COYLE, City Clerk

EFFECTIVE DATE: October 26, 1983

AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, TO REZONE FROM P-D(211) TO P-D(340), PROPERTY LOCATED ON THE NORTHWEST CORNER OF OAKDALE ROAD AND FLOYD AVENUE. (U. S. BY-PRODUCTS, INC.)

WHEREAS, a verified application for an amendment to Section 15-3-9 of the Zoning Map was filed by U. S. By-Products, Inc., on June 15, 1983, to rezone a portion of Planned Development Zone P-D(211), to a new Planned Development Zone, P-D(340), to allow a neighborhood shopping center, property located on the northwest corner of Oakdale Road and Floyd Avenue, and

WHEREAS, a public hearing was held by the Planning Commission on August 1, 1983, in the City Council Chambers, City Hall, 801 - 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, by Resolution No. 83-119, adopted on August 1, 1983, the Planning Commission found and determined that the requested rezoning is required by public necessity, convenience, and general welfare for the following reasons:

1. The Modesto Urban Area General Plan calls for a Neighborhood Shopping Center at this street intersection.
2. The site design is compatible with the potential residential development in the area.

and

WHEREAS, the Planning Commission recommended to the Council that the application of U. S. By-Products, Inc to amend Section 15-3-9 of the Zoning Map to reclassify the hereinafter described property from Planned Development Zone, P-D(211) to Planned Development Zone, P-D(340), be approved, and

WHEREAS, said application was set for public hearing before the City

Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on September 6, 1983, at 4:00 p.m., and continued to September 20, 1983, at 4:00 p.m.,

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

SECTION 1. COUNCIL FINDINGS. After hearing evidence, both oral and documentary, the 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 reasons set forth in Planning Commission Resolution No. 83-119 and quoted above, and should be approved.

SECTION 2. ZONING CHANGE. Section 15-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(211) to Planned Development Zone, P-D(340):

All that certain real property situate in the Northeast quarter of Section 15, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, and lying within the City of Modesto, County of Stanislaus State of California, and as shown on the map of "Naraghi Lakes No. 1", as filed in Book 29 of Maps, at Page 114, Stanislaus County Records, described as follows:

Beginning at the centerline intersection of Floyd Avenue with the centerline of Oakdale Road (East line of Section 15) as shown on said map of Naraghi Lakes No. 1; thence along the centerline of Floyd Avenue, North 89°03'50" West, 615.03 feet; thence North 0°21'50" East, 769.44 feet to the centerline of Hashem Drive as shown on said map; thence Southeasterly along a curve in said centerline having a radius of 1000.00 feet, a central angle of 10°07'43" and an arc length of 176.78 feet to a point on a tangent line; thence continuing along said centerline South 89°38'10" East, 439.14 feet to its intersection with the centerline of Oakdale Road (East line of Section 15); thence South 0°21'50" West, 760.00 feet along said centerline to the point of beginning.

Containing 10.71 acres of land.

**SECTION 3. USES.** The following uses shall be permitted in said P-D(340) 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 neighborhood shopping center limited to C-1 Zone uses.

Off-street parking as shown on the plan.

**SECTION 4. ZONING MAP.** Section Map 15-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

**SECTION 6. PUBLICATION.** At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of September, 19<sup>83</sup>, by Councilmember Whiteside, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside,  
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 J. Nichols*  
Department of Planning and  
Community Development



Ordinance 2219 C.S.  
Exhibit A – Map

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

Ord. No. 2219-C.S.

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 27th day of September, 1983, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Lang, Muratore, Sutton, Whiteside, Mayor Mensinger

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Patterson

APPROVED

*Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 26, 1983

AN ORDINANCE AMENDING CHAPTER 3 OF TITLE XII OF THE MODESTO MUNICIPAL CODE RELATING TO JOHN THURMAN FIELD.

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

SECTION 1. AMENDMENT OF CODE. Chapter 3 of Title XII of the Modesto Municipal Code is hereby amended to read as follows:

CHAPTER 3 -- JOHN THURMAN FIELD

SEC. 12-3.01. ESTABLISHMENT AND DESIGNATION.

That piece or parcel of real property owned by the City and used for a ball park, and situate south of the property now used for the Modesto Municipal Golf Course, shall be known as and named "John Thurman Field." It shall be used and maintained for athletic sports and such other activities as are for the benefit for entertainment of the public; subject, however, to restrictions and limitations contained in this chapter, and to such further rules and regulations as the Council may hereafter by resolution adopt.

SEC. 12-3.02. RULES AND REGULATIONS.

The following acts are hereby prohibited upon said John Thurman Field and the commission of any of them is declared to be a misdemeanor, punishable in accordance with the provisions of Section 1-2.01, Chapter 2, Title I of this Code:

- (a) To trespass upon said John Thurman Field.
- (b) To engage in or play sports activities or to conduct any activity thereon without first obtaining permission to do so from the Director of Parks and Recreation or entering into an agreement with the City for use of the facilities.
- (c) To wilfully or maliciously injure the turf or sod thereon, or in any way to destroy property thereon, or to remove property or equipment therefrom (except the property of the person so removing the same) without permission from the Director of Parks and Recreation.

- (d) To take possession of any athletic equipment other than that belonging to themselves upon or from said park or lands or streets adjacent thereto or the sale or offer for sale thereon of athletic equipment, food, drinks or other commodities except as may be provided by the rules and regulations which may hereafter be adopted by the Council.
- (e) To drive or park any vehicle on or over any part of the lands comprising said John Thurman Field except at the designated parking area, or as may be designated by the Director of Parks and Recreation. This shall not apply to City equipment or other authorized equipment engaged in work connected with the facilities of the park.
- (f) To deposit rubbish, garbage, cut grass or other foreign matter upon said John Thurman Field, or any part thereof.

#### SEC.12-3.03. CONTROL AND MAINTENANCE.

The Council is hereby authorized and empowered by resolution from time to time to control and regulate said John Thurman Field in all particulars not inconsistent with this chapter, to specify the conditions under which the same may be used or played upon, to establish the fees to be paid for the use thereof and for their collection and payment into the City Treasury, to provide for the construction and maintenance of a grandstand, bleachers and other permanent equipment thereon, and for the sale thereof by concession or otherwise of athletic equipment and refreshments, and to provide generally for the control and regulation, maintenance and upkeep of said John Thurman Field in every other manner and to such extent as may be necessary.

When any group or organization enters into an extended agreement with the City for use of the ball park facilities, such group or organization shall be responsible for general maintenance and upkeep of the facilities as required in the agreement and shall employ responsible personnel to perform such maintenance.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 1983, by Councilmember Whiteside, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, 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

Ord. No. 2220-C.S.

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 18th day of October, 1983, 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, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

APPROVED

Peggy Mensinger  
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

**EFFECTIVE DATE:** November 16, 1983

ORDINANCE NO. 2221-C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1760-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 7-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (NORMAN WINSOR)" AS AMENDED BY ORDINANCE NO. 1932-C.S.

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1760-C.S. Section 2 of Ordinance No. 1760-C.S., as previously amended by Ordinance No. 1952-C.S., is further amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(197) Zone, subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, 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.

An apartment project."

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 1983, 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: Lang, Muratore, Patterson, Sutton, Whiteside  
Acting Mayor Bright

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED: Thomas A. Bright  
THOMAS A. BRIGHT, Acting 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. 2221-C.S.

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 1st day of November, 1983, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: None

APPROVED

Peggy Mensinger  
MAYOR PEGGY MENSINGER

ATTEST:

Morrine Coyle  
MORRINE COYLE, City Clerk

EFFECTIVE DATE: December 1, 1983

AN ORDINANCE AMENDING SECTION 10-1.01 OF CHAPTER 1 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO THE PLANNING COMMISSION.

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

SECTION 1. AMENDMENT OF CODE. Section 10-1.01 of Chapter 1 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-1.01. CREATION OF CITY PLANNING COMMISSION.

The City Planning Commission of the City of Modesto is hereby established to consist of seven (7) members who shall be appointed in accordance with and for the terms prescribed by Section 1102 of the Charter of the City of Modesto. One member of the City Planning Commission shall also serve simultaneously as a member of the Stanislaus County Planning Commission. Said member shall be recommended by the City Council and be appointed by the Chairman of the Stanislaus County Board of Supervisors, with approval of said Board.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 1983,

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

AYES: Councilmembers: Lang, Muratore, Patterson, Sutton, Whiteside, Acting Mayor Bright

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED: *Thomas A. Bright*  
THOMAS A. BRIGHT, Acting Mayor

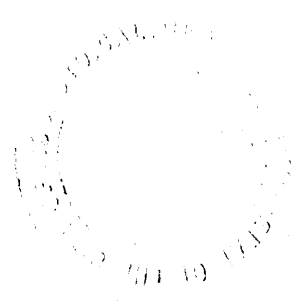
ATTEST:

By *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



Ord. No. 2222-C.S.

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 1st day of November, 1983, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: None

APPROVED

Peggy Mensinger  
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 1, 1983

AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, TO REZONE A PORTION OF P-D(141) TO P-D(342), PROPERTY LOCATED ON THE SOUTH SIDE OF FLOYD AVENUE WEST OF OAKDALE ROAD. (RESOURCE DEVELOPMENT - CONDOMINIUM PORTION)

WHEREAS, a verified application for an amendment to Section 15-3-9 of the Zoning Map was filed by Resource Development on August 1, 1983, to rezone a portion of Planned Development Zone, P-D(141) to a new Planned Development Zone, P-D(342), to allow a residential condominium project on property located on the south side of Floyd Avenue, west of Oakdale Road, and

WHEREAS, a public hearing was held by the Planning Commission on September 6, 1983, and continued to October 10, 1983, in the City Council Chambers, City Hall, 801 - 11th Street, Modesto, California, at which hearings evidence both oral and documentary was received and considered, and

WHEREAS, by Resolution No. 83-155, adopted on October 10, 1983, the Planning Commission found and determined that the requested rezoning is required by public necessity, convenience, and general welfare for the following reasons:

1. Multiple residential development is called for in the Floyd Neighborhood Zoning and Development Plan and the 97 units are reasonably close to the density limitations of the Floyd Neighborhood Plan.
2. The site design conforms to the City's development standards.

and

WHEREAS, the Planning Commission recommended to the Council that the application of Resource Development to amend Section 15-3-9 of the Zoning Map to reclassify the hereinafter described property from Planned Development Zone, P-D(141) to Planned Development Zone, P-D(342), be approved, and

WHEREAS, said application was set for public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California on November 1, 1983, at 4:00 p.m.,

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

SECTION 1. COUNCIL FINDINGS. After hearing evidence, both oral and documentary, the Council finds and determines that the requested rezoning is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 83-156 and quoted above, and should be approved.

SECTION 2. ZONING CHANGE. Section 15-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(141), to Planned Development Zone, P-D(342):

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

Beginning at the Northeast corner of the East half of the North half of the Southeast quarter of the Northeast quarter of said Section 15, said corner being the centerline intersection of Floyd Avenue and Oakdale Road; thence South 89°56'40" West, along the East West quarter quarter section line and the centerline of Floyd Avenue, 287.60 feet; thence South 660.54 feet to the East West quarter quarter quarter section line of said Section 15; thence North 89°57'35" East along said quarter quarter quarter line, 295.00 feet to the East line of said Section 15, and the centerline of Oakdale Road; thence North 0°38'30" West along said East line of Section 15, and said centerline of Oakdale Road, 660.63 feet to the Point of Beginning of this description.

Containing: 4.42 acres

**SECTION 2. USES.** The following uses shall be permitted in said P-D(343) 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 service station

A mini-storage facility

An office building allowing all uses specified in the P-0 Zone

SECTION 3. ZONING MAP. Section Map 15-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1983, 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, Lang, Muratore, Patterson, Sutton, Whiteside,  
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

*Pege Mensinger*  
PEGE 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 Nichols*  
Department of Planning and  
Community Development

Ordinance 2223 C.S.  
Exhibit A – Map

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

Ord. No. 2223-C.S.

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 8th day of November, 1983, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmembers:** Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
- NOES: Councilmembers:** None
- ABSENT: Councilmembers:** None

APPROVED *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 8, 1983

AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, TO REZONE A PORTION OF P-D(141) TO P-D(343), PROPERTY LOCATED ON THE SOUTHWEST CORNER OF FLOYD AVENUE AND OAKDALE ROAD. (RESOURCE DEVELOPMENT - COMMERCIAL PORTION)

WHEREAS, a verified application for an amendment to Section 15-3-9 of the Zoning Map was filed by Resource Development on August 1, 1983, to rezone a portion of Planned Development Zone, P-D(141) to a new Planned Development Zone, P-D(343), to allow a combination professional office, commercial, and mini-storage development, property located on the west side of Oakdale Road, south of Floyd Avenue, and

WHEREAS, a public hearing was held by the Planning Commission on September 6, 1983, and continued to October 10, 1983, in the City Council Chambers, City Hall, 801 - 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, by Resolution No. 83-156, adopted on October 10, 1983, the Planning Commission found and determined that the requested rezoning is required by public necessity, convenience and general welfare for the following reasons:

1. The combination of land uses represents a reasonable land use pattern considering the existing and potential surrounding developments including commercial adjoining to the south, across Oakdale to the east and the newly established neighborhood shopping center across Floyd Avenue to the north.
2. The revised development plan assures compatability between the diverse land uses within the development as well as the neighboring properties.

and

WHEREAS, the Planning Commission recommended to the Council that the application of Resource Development to amend Section 15-3-9 of the Zoning Map to reclassify the hereinafter described property from Planned Development Zone P-D(141) to Planned Development Zone, P-D(343), be approved, and

WHEREAS, said application was set for public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California on November 1, 1983, at 4:00 p.m.,

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

SECTION 1. COUNCIL FINDINGS. After hearing evidence, both oral and documentary, the Council finds and determines that the requested rezoning is required by public necessity, convenience, and general welfare for the reasons set forth in Planning Commission Resolution No. 83-155 and quoted above, and should be approved.

SECTION 2. ZONING CHANGE. Section 15-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(141) to Planned Development Zone, P-D(342):

All the certain real property situate in the County of Stanislaus, State of California, lying in the East half of the North half of the southeast quarter of the Northeast quarter of Section 15, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:

Beginning at the Northeast corner of the East half of the North half of the Southeast quarter of the Northeast quarter of said Section 15, said corner being the centerline intersection of Floyd Avenue and Oakdale Road; thence South 89°56'40" West, along the East-West quarter quarter section line, and the centerline of said Floyd Avenue, 287.60 feet to the Point of Beginning of this description; thence continuing South 89°56'40" West, along said East-West quarter section line and centerline of Floyd Avenue, 368.67 feet to the Northwest corner of the East half of the North half of the Southeast quarter of the Northeast quarter of said Section 15; thence South along the West line of the East half of the North half of the Southeast quarter of the Northeast quarter of Section 15, 660.42 feet to the East-West quarter quarter section line of said Section 15; thence North 89°57'35" East, along said quarter quarter quarter line, 368.67 feet; thence North 660.54 feet to the said East-West quarter quarter section line and the centerline of Floyd Avenue and the Point of Beginning of this description.

Containing: 5.59 acres.

SECTION 2. USES. The following uses shall be permitted in said P-D( ) 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

SECTION 3. ZONING MAP. Section Map 15-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 1983, 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, Lang, Muratore, Patterson, Sutton, Whiteside,  
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 *William J. McInnis*  
Department of Planning and  
Community Development

Ordinance 2224 C.S.  
Exhibit A – Map

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

Ord. No. 2224-C.S.

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 8th day of November, 1983, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

APPROVED

*Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

**EFFECTIVE DATE:** December 8, 1983

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

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

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

SEC. 3-2.1401.1. CHANGE IN SPEED LIMITS SET BY STATE LAW: FOR PURPOSE OF ENFORCEMENT USING RADAR OR OTHER ELECTRONIC DEVICE. By authority of, and upon the basis of engineering and traffic surveys conducted pursuant to Vehicle Code and the Traffic Manual of the Department of Transportation, it is determined that the prima facie speed limits which follow would facilitate the orderly movement of vehicular traffic and would be reasonable and safe.

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>	<u>DATE SURVEYED</u>
BLUE GUM AVENUE, between Poust and Carpenter Roads	40 miles per hour	July 11, 1980
BOWEN AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	November 15, 1982
BRIGGSMORE AVENUE, (westbound) between Coffee Road and McHenry Avenue	45 miles per hour	November 15, 1982
BRIGGSMORE AVENUE, (eastbound) between McHenry Avenue and 1,000 feet west of Coffee Road	40 miles per hour	November 13, 1982
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
BRIGGSMORE AVENUE, (east and westbound) between McHenry Avenue and Tully Road	45 miles per hour	April 28, 1980
BRIGGSMORE AVENUE, between Tully Road and Prescott Road	45 miles per hour	April 28, 1980
BRIGHTON AVENUE, between Locke Road and Coffee Road	30 miles per hour	June 15, 1983
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	November 13, 1982
CARVER ROAD, between Roseburg Avenue and Brixton Lane within the City limits	35 miles per hour	November 15, 1982
CARVER ROAD, between Brixton Lane and M.I.D. Lateral No. 6 within the City limits	40 miles per hour	December 10, 1981
CELESTE DRIVE, between Coffee Road and Oakdale Road	30 miles per hour	June 14, 1983
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
COFFEE ROAD, between Sylvan Avenue and Mabel Avenue	40 miles per hour	June 6, 1981
COLLEGE AVENUE, between Princeton Avenue and Bowen Avenue	35 miles per hour	November 20, 1982
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 limits	35 miles per hour	June 22, 1983
DALE ROAD, between Standiford Avenue and Veneman Avenue	35 miles per hour	April 13, 1979
EASTRIDGE DRIVE, between Orangeburg Avenue and Scenic Drive	30 miles per hour	May 25, 1983
EICHER AVENUE, between Conant Avenue and Goldie Avenue	30 miles per hour	March 11, 1981
EL VISTA AVENUE, between Yosemite Boulevard and Scenic Drive	40 miles per hour	November 16, 1982
EMERALD AVENUE, between Maze Boulevard and California Avenue within the City limits	35 miles per hour	June 14, 1983
ENCINA AVENUE, between Santa Barbara Avenue and Conejo Avenue	30 miles per hour	June 22, 1983
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	June 15, 1983

FLOYD AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	November 15, 1982
FLOYD AVENUE, between Coffee Road and Oakdale Road	30 miles per hour	June 14, 1983
FRANKLIN STREET, between California Avenue and Maze Boulevard	35 miles per hour	November 20, 1982
GRANGER AVENUE, between Sunrise Avenue and McHenry Avenue	30 miles per hour	June 14, 1983
GRANGER AVENUE, between McHenry Avenue and Tully Road	30 miles per hour	June 14, 1983
KANSAS AVENUE, between Carpenter Road and Emerald Avenue within the City limits	40 miles per hour	July 9, 1981
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
LAKEWOOD AVENUE, between Scenic Drive and Orangeburg Avenue	30 miles per hour	September 15, 1983
LA LOMA AVENUE, between Buena Vista and Yosemite Boulevard	35 miles per hour	November 16, 1982
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	November 16, 1982

MITCHELL ROAD, between Finch Road and the southerly City limits	50 miles per hour	November 20, 1982
MORRIS AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	November 16, 1982
MT. VERNON DRIVE, between Carver Road and Prescott Road	30 miles per hour	June 14, 1983
MT. VERNON DRIVE, between College Avenue and Carver Road	30 miles per hour	June 23, 1983
NEECE DRIVE, between Tuolumne Boulevard and Rouse Avenue	35 miles per hour	June 14, 1983
NEEDHAM STREET, between L and and 9th Streets	35 miles per hour	June 22, 1983
NORWEGIAN AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	June 14, 1983
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
ORANGEBURG AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	July 21, 1980
ORANGEBURG AVENUE, between Oakdale Road and Lakewood Avenue	35 miles per hour	March 17, 1980
ORANGEBURG AVENUE, between Lakewood Avenue and Claus Road	35 miles per hour	March 17, 1980
ORANGEBURG AVENUE, between Coffee Road and Rose Avenue	35 miles per hour	December 9, 1981
ORANGEBURG AVENUE, between Rose Avenue and Oakdale Road	35 miles per hour	August 30, 1979

ORANGEBURG AVENUE, between Briggsmore Avenue and Martin Avenue	30 miles per hour	July 11, 1980
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	November 3, 1982
ROSE AVENUE, between Briggsmore Avenue and Floyd Avenue	35 miles per hour	November 16, 1982
ROSEBURG AVENUE, between Sunrise Avenue and McHenry Avenue	35 miles per hour	June 14, 1983
ROSEBURG AVENUE, between McHenry Avenue and Tully Road	30 miles per hour	June 14, 1983
ROSEBURG AVENUE, between Tully Road and Carver Road	30 miles per hour	June 14, 1983
ROSELAWN AVENUE, between Colorado Avenue and Rouse Avenue	30 miles per hour	March 19, 1982
ROUSE AVENUE, between Neece Drive and Colorado Avenue within the City limits	35 miles per hour	September 16, 1982
RUMBLE ROAD, between Coffee Road and McHenry Avenue within the City limits	35 miles per hour	June 14, 1983

RUMBLE ROAD, between Conant Avenue and Tully Road	30 miles per hour	June 14, 1983
RUMBLE ROAD, between Sisk Road and Conant Avenue	40 miles per hour	December 9, 1981
RUMBLE ROAD, between Tully Road and McHenry Avenue	35 miles per hour	January 19, 1981
SCENIC DRIVE, between Burney Street and Coffee Road within the City limits	30 miles per hour	June 22, 1983
SCENIC DRIVE, between Coffee Road and Oakdale Road	40 miles per hour	December 9, 1981
SCENIC DRIVE, between Oakdale Road and Lakewood Avenue	45 miles per hour	December 9, 1981
SCENIC DRIVE, between Lakewood Avenue and Lillian Drive	30 miles per hour	October 11, 1983
SCENIC DRIVE, Lillian Drive to Claus Road, within the City limits	40 miles per hour	November 3, 1982
SHARON WAY, between Budd Street and Prescott Road	30 miles per hour	June 7, 1983
SIERRA DRIVE, between G and South 7th Streets	30 miles per hour	June 14, 1983
SISK ROAD, between Briggsmore Avenue and Brenner Way	40 miles per hour	June 8, 1983
SISK ROAD, between Brenner Way and Standiford Avenue	40 miles per hour	December 9, 1981
SISK ROAD, between Standiford Avenue and 600' north of Vintage Drive	40 miles per hour	March 6, 1981
STANDIFORD AVENUE, between Dale Road and Prescott Road within the City limits	40 miles per hour	December 10, 1981
STANDIFORD AVENUE, between Prescott Road and Carver Road	40 miles per hour	December 10, 1981
STANDIFORD AVENUE, between Carver Road and Tully Road	40 miles per hour	July 19, 1979

STANDIFORD AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	October 20, 1980
SUNRISE AVENUE, between Floyd Avenue and Briggsmore Avenue	35 miles per hour	June 14, 1983
SUNRISE AVENUE, between Briggsmore Avenue and Lucern Avenue	30 miles per hour	June 22, 1983
SURREY AVENUE, between Oakdale Road and Eastridge Drive	25 miles per hour	May 30, 1980
SUTTER AVENUE, between Paradise Road and Robertson Road	30 miles per hour	November 1, 1982
SYCAMORE AVENUE, between Griswold Avenue and Orangeburg Avenue	35 miles per hour	June 15, 1983
SYLVAN AVENUE, between McHenry Avenue and Coffee Road	40 miles per hour	June 14, 1983
SYLVAN AVENUE, between Coffee Road and Oakdale Road within the City limits	40 miles per hour	June 14, 1983
TOKAY AVENUE, between McHenry Avenue and Bodega Lane	35 miles per hour	January 27, 1982
TULLY ROAD, between Coldwell Avenue and Standiford Avenue	35 miles per hour	November 20, 1982
TULLY ROAD, between Standiford Avenue and M.I.D. Lateral No. 6	40 miles per hour	June 14, 1983
TUOLUMNE BOULEVARD, between 7th Street and Paradise Road	35 miles per hour	November 1, 1982
VENEMAN AVENUE, between Dale Road and M.I.D. Lateral No. 7	35 miles per hour	November 13, 1982

VIRGINIA AVENUE, between Needham Street and Roseburg Avenue	30 miles per hour	June 14, 1983
WHITMORE AVENUE, between Morgan Road and Crows Landing Road within the City limits	45 miles per hour	December 10, 1981
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 10, 1981
WOODROW AVENUE, between McHenry Avenue and Tully Road	30 miles per hour	June 14, 1983
WYLIE DRIVE, between Rose Avenue and Oakdale Road	35 miles per hour	August 31, 1979
9TH STREET, between L Street and P Street	35 miles per hour	December 9, 1981

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 1983, by Councilmember Muratore who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and order printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

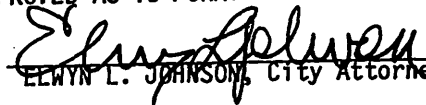
  
PEGGY MENSINGER, Mayor

ATTEST:

By   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ELWYN L. JOHNSON, City Attorney

Ord. No. 2225-C.S.

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of November, 1983, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

APPROVED

  
MAYOR PEGGY MENSINGER

ATTEST:

  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 15, 1983

AN ORDINANCE AMENDING SECTIONS 22-3-9 AND 27-3-9 OF THE ZONING MAP TO REPEAL P-D(272) AND REZONE TO R-1, PROPERTY LOCATED ON THE WEST SIDE OF BRIGHTON AVENUE SOUTH OF IRONS COURT. (COMMISSION INITIATED)

WHEREAS, the City Council, By Ordinance No. 1981-C.S., which was introduced on September 16, 1980, finally adopted September 23, 1980, and which became effective October 23, 1980, rezoned from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(272), property located on the west side of Brighton Avenue south of Irons Court, and

WHEREAS, the City Council, by Resolution No. 80-959, approved the development plan for Planned Development Zone, P-D(272), with a development schedule which specified that construction was to be in one phase, construction to begin on or before September 1, 1982, and completion to be not later than September 1, 1983, and

WHEREAS, on October 4, 1982, the Planning Commission, by Resolution No. 82-151, granted a time extension to the development schedule calling for construction to begin on or before September 1, 1983, and to be completed by not later than September 1, 1984, and

WHEREAS, on September 19, 1983, the Planning Commission, by Resolution No. 82-152, denied a second time extension to the development schedule for Planned Development Zone, P-D(272), and by Resolution No. 83-153, the Planning Commission initiated proceedings to repeal or modify Planned Development Zone, P-D(272), and set October 24, 1983, as the time for a public hearing to reclassify from Planned Development Zone, P-D(272), to Low Density Residential Zone, R-1, property located on the west side of Brighton Avenue South of Irons Court, and

WHEREAS, a public hearing was held by the Planning Commission on October 24, 1983, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the Planning Commission by Resolution No. 83-175, adopted on October 24, 1983, found and determined that amendment of Sections 22-3-9 and 27-3-9 of the Zoning Map to repeal Planned Development Zone, P-D(272), and rezone to Low Density Residential Zone, R-1, property located on the west side of Brighton Avenue south of Irons Court, is required by public necessity, convenience and general welfare for the following reasons:

1. The property has had 3 years in which to develop and the approved and extended development schedule has not been met.
2. The applicant has indicated that his investment group is attempting to market the P-D zoning and presently has no immediate plans for building the project.
3. It is preferable that future development of the property be considered pursuant to a new and contemporary development plan.

and

WHEREAS, said amendment was set for public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on November 15, 1983, at 4:00 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council finds and determines that the proposed amendment to Sections 22-3-9 and 27-3-9 of the Zoning Map to repeal Planned Development Zone, P-D(272), to Low Density Residential Zone, R-1, property located on the west side of Brighton Avenue south of Irons Court, in the City of Modesto, should be approved,

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

SECTION 1. COUNCIL FINDINGS. The Council of the City of Modesto finds and determines that the repeal of Planned Development Zone, P-D(272), and rezoning of the subject property to Low Density Residential Zone, R-1, is required by public convenience, necessity, and general welfare for the reasons set forth in Planning Commission Resolution No. 83-175, and quoted above.

SECTION 2. ZONING CHANGE. Sections 22-3-9 and 27-3-9 of the Zoning Map are hereby amended to repeal Planned Development Zone, P-D(272), and rezone to Low Density Residential Zone, R-1, property located on the west side of Brighton Avenue south of Irons Court, in the City of Modesto, and described as follows:

All that certain real property situate in a portion of the Southeast quarter of the Southwest quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, and a portion of the Northeast quarter of the Northwest quarter of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lots 1 and 8 of Sunnyside Acres according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on May 24, 1911, in Volume 5 of Maps, at page 45.

INCLUDING also the South 25.00 feet of the East 395.53 feet of lot 31 of the Broughton Colony Tract according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on November 11, 1903, in Volume 1 of Maps at page 78.

SECTION 3. ZONING MAP. Sections 22-3-9 and 27-3-9 of the Zoning Map of the City of Modesto are amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of November, 1983, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside,  
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

  
PEGGY MENSINGER, Mayor

ATTEST:

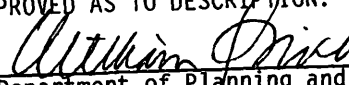
By   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By   
Department of Planning and  
Community Development

Ordinance 2226 C.S.  
Exhibit A – Map

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

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1983, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

- AYES:** Councilmembers: Bright, Lang, Murature, Patterson, Sutton, Whiteside, Mayor Mensinger.
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: None

APPROVED *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 22, 1983

ORDINANCE NO. 2227 -C.S.

AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF  
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING  
CERTAIN PROPERTY LOCATED THEREON. ( ZAGARIS MANAGEMENT  
SERVICES, INC.)

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

SECTION 1. ZONING CHANGE. Section 21-3-9 of the Zoning

Map is hereby amended to reclassify the following described property  
from Professional Office Zone, P-0, to  
Planned-Development Zone, P-D (345) :

All that certain real property lying the Northeast quarter of  
Section 21, Township 3 South, Range 9 East, Mount Diablo Base  
and Meridian, lying in the City of Modesto, County of Stanislaus,  
California, more particularly described as follows:

All of Parcel "B" as shown on Parcel Map recorded in Book 30 of  
Maps at Page 154, Stanislaus County records and all of Lot 17,  
Block 1144, of the Denise Subdivision as shown on Map recorded in  
Book 19 of Maps at Page 56, Stanislaus County Records.

Including also all of the Southern one-half of East Orangeburg  
Avenue and the western one-half of Allen Drive and all immediately  
adjacent to the above described property.

**SECTION 2. USES. The following uses shall be permitted in said P-D(345)**

**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. Savings and Loan**
- 2. Business and professional offices**
- 3. Related parking facilities**

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

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

**SECTION 5. PUBLICATION.** At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted. :

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of November, 1983, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Oattersib, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside,  
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Reggie Mensinger*  
REGGIE 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 [unclear]*  
Department of Planning and  
Community Development

Ordinance 2227 C.S.  
Exhibit A – Map

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

Ord. No. 2227-C.S.

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1983, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

APPROVED

Peggy Mensinger  
MAYOR PEGGY MENSINGER

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 22, 1983

AN ORDINANCE AMENDING SECTION 3 OF ORDINANCE NO. 1807-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAPS 10-3-9 AND 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (H. NARAGHI FARMS)" AS PREVIOUSLY AMENDED BY ORDINANCE NO. 1885-C.S.

WHEREAS, the City Council, by Ordinance No. 1807-C.S., which was introduced on January 23, 1979, finally adopted on February 6, 1979, and which became effective on March 8, 1979, amended Sections 10-3-9 and 15-3-9 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, and a portion of Planned Development Zone, P-D(153) to a new Planned Development Zone, P-D(211), property located on the west side of Oakdale Road between Sylvan Avenue and Floyd Avenue in the City of Modesto to allow single family residential, cluster housing, apartments, professional offices, a bank, restaurant, lake, and private parks, and

WHEREAS, the City Council, by Ordinance No. 1885-C.S., which was introduced on October 9, 1979, finally adopted on October 23, 1979, and which became effective November 21, 1979, amended the uses for said P-D(211), and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(211) was filed by Mid-Valley Engineering on September 15, 1983, to add a second financial institution to the office area at the northwest corner of Oakdale Road and Hashem Drive, and

WHEREAS, a public hearing was held by the Planning Commission on October 24, 1983, in the City Council Chambers, City Hall, 801 - 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the Planning Commission, by Resolution No. 83-168, found and determined that amendment of Planned Development Zone, P-D(211) is required

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

1. The amendments are in substantial compliance with the previously approved plan for the P-D Zone.
2. Specific development site plans will continue to require plot plan approval by the Commission.

and

WHEREAS, said matter was set for public hearing before the Council of the City of Modesto at its regular meeting place in the Council Chambers in the City Hall, 801 - 11th Street, Modesto, California, on November 15, 1983, and

WHEREAS, after hearing evidence, both oral and documentary, the Council finds and determines that the requested change to Planned Development Zone, P-D(211), as set forth above, is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 83-168 and quoted above,

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1807-.C.S. Section 3 of Ordinance No. 1807-C.S., as previously amended by Ordinance No. 1885-C.S., is hereby further amended to read as follows:

"SECTION 3. USES. The following uses shall be permitted in said P-D(211) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

- a. Single-family residences
- b. Cluster houses
- c. Apartments
- d. Condominiums
- e. Professional offices
- f. Two financial institutions
- g. Two restaurants
- h. Private lake
- i. Private parks"

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of November, 1983, by Councilmember Sutton, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, 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

Ord. No. 2228-C.S.

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1983, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

APPROVED

*Beggy Mensinger*  
MAYOR BEGGY MENSINGER

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

**EFFECTIVE DATE:** December 22, 1983

AN ORDINANCE AMENDING SECTION 24-3-9 OF THE ZONING MAP TO REPEAL A PORTION OF P-D(220) AND REZONE TO R-2, PROPERTY LOCATED AT THE SOUTHWEST CORNER OF CLAUS ROAD AND EAST ORANGEBURG AVENUE. (COMMISSION INITIATED)

WHEREAS, The City Council, by Ordinance No. 1822-C.S., introduced on April 24, 1979, finally adopted May 8, 1979, and which became effective June 7, 1979, rezoned from Low Density Residential Zone, R-1, and Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(220), property located at the southwest corner of Claus Road and East Orangeburg Avenue, for 36 zero lot line houses and 40 apartment units, and

WHEREAS, the City Council, by Resolution No. 79-384, approved a development plan for Planned Development Zone, P-D(220), with a development schedule which specified that construction was to be in two phases, construction of phase one to begin on or before August 1, 1981 and be completed by August 1, 1982, and construction of phase two to begin on or before August 1, 1982 and be completed by August 1, 1983, and

WHEREAS, phase one was constructed within the time specified in the development schedule, and

WHEREAS, construction of phase two was not started in accordance with the development schedule, and on September 6, 1983, by Resolution No. 83-135, the Planning Commission initiated proceedings to repeal or modify the phase two portion of Planned Development Zone, P-D(220), and set October 10, 1983 as the time for a public hearing to reclassify the phase two portion of Planned Development Zone, P-D(220), to Medium Density Residential Zone, R-2, property located at the southwest corner of Claus Road and East Orangeburg, in the City of Modesto, and

WHEREAS, a public hearing was held by the Planning Commission on October 10, 1983, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the Planning Commission, by Resolution No. 83-165, found and determined that rezoning of the property from Planned Development Zone, P-D(220), to Medium Density Residential Zone, R-2, is required by public necessity, convenience and general welfare for the following reasons:

1. Phase 2 of this P-D zone was not commenced within the 3 years approved under that portion of the development schedule.
2. The applicant for the P-D zone elected not to request a time extension to the original development schedule and let it expire on August 1, 1982.

and

WHEREAS, said rezoning was set for public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on November 22, 1983, at 7:30 p.m., and

WHEREAS, after hearing evidence, both oral and documentary, the Council finds and determines that the amendment to Section 24-3-9 of the Zoning Map to repeal a portion of Planned Development Zone, P-D(220), and rezone to Medium Density Residential Zone, R-2, property located at the southwest corner of Claus Road and East Orangeburg Avenue, should be approved,

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

SECTION 1. COUNCIL FINDINGS. The Council of the City of Modesto finds and determines that repeal of the phase two portion of Planned Development Zone, P-D(220), and rezoning of the property to Medium Density Residential Zone, R-2, is required by public necessity, convenience, and general welfare

for the reasons set forth in Planning Commission Resolution No. 83-165, and quoted above.

SECTION 2. ZONING CHANGE. Section 24-3-9 of the Zoning Map is hereby amended to repeal a portion of Planned Development Zone, P-D(220), and rezone to Medium Density Residential Zone, R-2, property located at the southwest corner of Claus Road and East Orangeburg Avenue, in the City of Modesto, and described as follows:

Portion of P-D(220) to R-2

All that certain real property situate in a portion of the Northeast quarter of Section 24, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning at a point as established by the intersection of the centerlines of original 40.00 foot wide East Orangeburg Avenue with 50.00 foot wide Claus Road as shown on the map of Orangeburg Plaza recorded in Book 29 of Maps, at page 3, Stanislaus County Records on January 16, 1980; thence along the centerline of said Claus Road which is also the Section line common to Section 24-3-9 and 19-3-9, south, 551.97 feet to a point established by the intersection with the easterly prolongation of the south line of Lot 1 of Block 1733 as shown on said map of Orangeburg Plaza; thence along said prolongation and south line of Lot 1, North 89°51'03" West, 335.96 feet; thence North 0°01'59" West along a west line of lot 1 which is also a radial line, 10.00 feet to the south line of Jarrell Court as shown on said map of Orangeburg Plaza; thence continuing along said radial line 40.00 feet to the point of radius on the centerline of said Jarrell Court; thence along said centerline North 0°01'59" West, 501.97 feet to the centerline of said East Orangeburg Avenue; thence along the centerline of East Orangeburg Avenue, south 89°51'03" East, 336.27 feet, to the point of beginning.

SECTION 3. ZONING MAP. Section 24-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1983, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, 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

APPROVED AS TO DESCRIPTION:

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

Ordinance 2229 C.S.  
Exhibit A – Map

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

Ord. No. 2229-C.S.

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 6th day of December, 1983, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

APPROVED

  
MAYOR PEGGY MENSINGER

ATTEST:

  
MORRAINE COYLE, City Clerk

EFFECTIVE DATE: January 5, 1984

AN ORDINANCE AMENDING SECTION MAP 28-3-9 OF  
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING  
CERTAIN PROPERTY LOCATED THEREON. (INTERNATIONAL ASSOCIATION  
OF MACHINISTS, LOCAL NO. 1528)

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

SECTION 1. ZONING CHANGE. Section 28-3-9 of the Zoning

Map is hereby amended to reclassify the following described property  
from Medium High Density Residential Zone, R-3 to  
Planned-Development Zone, P-D (344) :

R-3 to P-D

All that certain real property situate in a portion of the Southwest  
quarter of Section 28, 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 lots 10 through 16 of City of Modesto Block 120.

Including also all of the Southwesterly one-half of 80-foot wide  
16th Street, northeasterly one-half of 80-foot wide "G" Street and  
the Northeasterly one-half of the 20-foot wide alley in said Block  
120 and all immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(344 ) 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. Union Hall
2. Business and professional offices
3. Related parking facilities

**SECTION 3. ZONING MAP.** Section Map 28-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

**SECTION 5. PUBLICATION.** At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 1983, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton,  
Whiteside, 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

William Nichols  
Department of Planning and  
Community Development

Ordinance 2230 C.S.  
Exhibit A – Map

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

Ord. No. 2230-C.S.

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 6th day of December, 1983, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

APPROVED

*Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 5, 1984

AN ORDINANCE ADDING SECTION 5-4.207.4 TO CHAPTER 4 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO ANIMAL WASTES.

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

SECTION 1. AMENDMENT OF CODE. Section 5-4.207.4 is hereby added to Chapter 4 of Title V of the Modesto Municipal Code to read as follows:

SEC. 5-4.207.4. ANIMAL WASTES.

It shall be unlawful for any person owning, or being in charge, care, control or custody of any animal to allow animal wastes or fecal matter produced by said animal to accumulate or remain on the ground or about the premises or property for more than three (3) days without said animal wastes or fecal matter being placed in an airtight bag or other container and removed from the property within seven days.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 1983, by Councilmember Lang, who moved its introduction and passage to

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

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, 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

Ord. No. 2231-C.S.

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13th day of December, 1983, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Lang, Muratore, Sutton, Mayor Mensinger

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Patterson, Whiteside

APPROVED

Peggy Mensinger  
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

**EFFECTIVE DATE:** January 12, 1984

ORDINANCE NO. 2232-C.S.

AN ORDINANCE AMENDING SECTIONS 8-2.403 AND 8-2.404 OF ARTICLE 4 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO SALES AND USE TAXES.

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

SECTION 1. AMENDMENT OF CODE. Section 8-2.403 of Article 4 of Chapter 2 of Title VIII of the Modesto Municipal Code is hereby amended by amending subparagraph (4.5) of paragraph (b) thereof to read as follows:

- (4.5) There shall be excluded from the gross receipts by which the tax is measured:
- (i) The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.
  - (ii) The gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.

SECTION 2. AMENDMENT OF CODE. Section 8-2.404 of Article 4 of Chapter 2 of Title VIII of the Modesto Municipal Code is hereby amended by amending subparagraph (3.5) of paragraph (b) thereof to read as follows:

- (3.5) There shall be exempt from the tax due under this section:
- (i) The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.
  - (ii) The storage, use or other consumption of tangible personal property, the gross receipts from the sale of which has been subject to sales tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city in this state.

- (iii) In addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code, the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government.

SECTION 3. AMENDMENT OF CODE. Subparagraph (4.5) of paragraph (b) of Section 8-2.403 of Article 4 of Chapter 2 of Title VIII of the Modesto Municipal Code as amended by Section 1 of this ordinance, is hereby amended to read as follows:

- (4.5) There shall be excluded from the gross receipts by which the tax is measured:
  - (i) The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.
  - (ii) The gross receipts from the sale of tangible personal property to operators of waterborne vessels to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the carriage of persons or property in such vessels for commercial purposes.
  - (iii) The gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.

SECTION 4. AMENDMENT OF CODE. Subparagraph (3.5) of paragraph (b) of Section 8-2.404 of Article 4 of Chapter 2 of Title VIII of the Modesto Municipal Code as amended by Section 2 of this ordinance, is hereby amended to read as follows:

(3.5) There shall be exempt from the tax due under this section:

- (i) The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.
- (ii) The storage, use or other consumption of tangible personal property, the gross receipts from the sale of which has been subject to sales tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city in this state.
- (iii) The storage, use or other consumption of tangible personal property purchased by operators of waterborne vessels and used or consumed by such operators directly and exclusively in the carriage of persons or property in such vessels for commercial purposes.
- (iv) In addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code, the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government.

SECTION 5. OPERATIVE DATE. Sections 1 and 2 of this ordinance shall be operative January 1, 1984.

SECTION 6. OPERATIVE DATE. Sections 3 and 4 of this ordinance shall be operative on the operative date of any act of the Legislature of the State of California which amends or repeals and reenacts Section 7202 of the Revenue and Taxation Code to provide an exemption from city sales and use taxes for operators of waterborne vessels in the same, or substantially the same, language as that existing in subdivisions (i) (7) and (i) (8) of Section 7202 of the Revenue and Taxation Code as those subdivisions read on October 1, 1983.

SECTION 7. DECLARATION OF EMERGENCY. The Council of the City of Modesto hereby finds and declares that the immediate adoption of the foregoing ordinance is necessary as an emergency measure for preserving the public peace, health and safety for the following reasons:

1. Chapter 5 of the Statutes of 1979 provided for the repeal of Sections 7202 and 7203 of the Revenue and Taxation Code of the State of California and the addition of new Sections 7202 and 7203 operative January 1, 1984 to delete exemptions for operators of waterborne vessels. Because those 1979 changes to the Bradley-Burns Uniform Local Sales and Use Tax Law remain operative, it is imperative that all city and county ordinances and/or codes be amended prior to January 1, 1984 to conform to said changes.
2. Further, because there is a possibility that a waterborne vessels exemption will be restored by the Legislature early in 1984, there must be a contingent amendment to city and county ordinances and/or codes to provide for the waterborne vessels exemption to be reinstated if the State law is again changed.
3. In order that the changes to the Modesto Municipal Code will be operative January 1, 1984, it is necessary that this ordinance be enacted immediately.

SECTION 8. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall become effective immediately upon its adoption.

SECTION 9. PUBLICATION. Copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the city; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its adoption and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1983, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Sutton, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Whiteside

APPROVED:

  
PEGGY MENSINGER, Mayor

ATTEST:

By   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ELWYN L. JOHNSON, City Attorney

AN ORDINANCE AMENDING SECTION MAP 12-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (ROBERT MILLER AND BILL COLSON)

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(233), to Medium Density Residential Zone, R-2 and Planned Development Zone, P-D(346):

P-D(233) to R-2

All that real property situated in the Southwest quarter of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian in the City of Modesto, County of Stanislaus State of California. More particularly described as follows:

The Westerly 242.00 feet of Parcel 1 as shown in Book 22 of Parcel Maps at page 28, Stanislaus County Records. Including also all of the north 20 feet of original 40 foot wide Rumble Road immediately adjacent to the above described property.

P-D(233) to P-D

All that real property situated in the Southwest quarter of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian in the City of Modesto, County of Stanislaus, State of California. More particularly described as follows:

Parcel 1 as shown in Book 22 of Parcel Maps at page 28, Stanislaus County Records. Excepting therefrom the westerly 242.00 feet. Including also all of the north 20 feet of original 40 foot wide Rumble Road immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(346) 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:

Convalescent hospital

Off-street parking as shown on the approved plan

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

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

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of December, 1983, 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, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

  
PEGGY MENSINGER, Mayor

ATTEST:

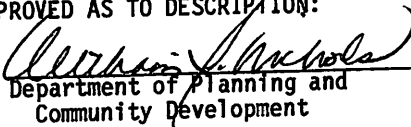
By   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By   
Department of Planning and  
Community Development

Ordinance 2233 C.S.  
Exhibit A – Map

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

Ord. No. 2233-C.S.

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 3rd day of January, 1984, Councilmember Lang 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, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: None

APPROVED *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 2, 1984

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1605-C.S. AS PREVIOUSLY AMENDED BY ORDINANCE NO. 1953-C.S., TO ALLOW CONVERSION OF P-D(160) TO A STOCK COOPERATIVE. (GEORGE HARTMAN)

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

SECTION 1. AMENDMENT TO ORDINANCE NO. 1605-C.S. Section 2 of Ordinance No. 1605-C.S., as previously amended by Ordinance No. 1953-C.S., is hereby further amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(160) 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. Residential condominiums or a stock cooperative
2. Parking as indicated on the approved plan"

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of December, 1983,

by Councilmember Patterson, 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, Lang, Muratore, Patterson, Sutton, Whiteside, 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 3rd day of January, 1984, Councilmember Lang 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, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: None

APPROVED *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 2, 1984