

ORDINANCE NO. 2295-C.S.

AN ORDINANCE AMENDING SECTION 2-4.101 OF CHAPTER 4 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO OFFICERS BONDED.

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

SECTION 1. AMENDMENT OF CODE. Section 2-4.101 of Chapter 4 of Title II of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 2-4.101. OFFICERS BONDED.

The following public officers of the City shall, before entering upon the duties of their respective offices, execute to the City, a corporate surety bond in the following penal sums, conditioned upon the faithful performance of their respective duties, to wit:

City Clerk and City Auditor, a bond in the penal sum of \$50,000.00.

Assistant City Clerk, a bond in the penal sum of \$50,000.00.

Director of Finance, a bond in the penal sum of \$100,000.00.

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 9th day of October, 1984, 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

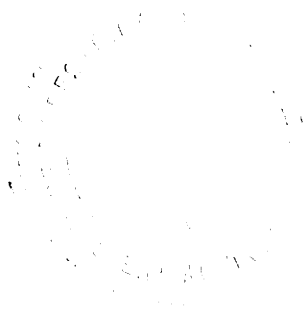
ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



Ord. No. 2295-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of October, 1984, 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, Patterson, Sutton, Whiteside, Mayor Mensinger
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: Muratore

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE:

November 15, 1984

ORDINANCE NO. 2296 -C.S.

AN ORDINANCE GRANTING TO BERTOLOTTI DISPOSAL, INC. LICENSES FOR THE COLLECTION OF INDUSTRIAL GARBAGE AND SALVAGEABLE WASTE IN THE CITY OF MODESTO

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

SECTION 1. This ordinance is enacted pursuant to the authority provided in, and all of the provisions, terms and conditions of Article XIV of the Charter of the City of Modesto and Chapter 5 of Title V of the Modesto Municipal Code.

SECTION 2. Limited licenses to collect industrial garbage and salvageable waste in the City of Modesto are hereby granted to Bertolotti Disposal, Inc. subject to the following terms and conditions:

a. Said licenses shall be for terms commencing on January 1, 1985, and ending December 31, 1994, unless terminated at an earlier date under the provisions of these licenses.

b. Said licenses shall be non-exclusive licenses to collect industrial garbage and salvageable waste.

c. In accepting these licenses, Licensee thereby agrees that the services provided during the terms herein specified shall be in compliance with the provisions of this ordinance and the provisions of Chapter 5 of Title V of the Modesto Municipal Code.

d. The City reserves the right to revise the provisions of Chapter 5 of Title V of the Modesto Municipal Code, from time to time, as required in order to protect the public health, safety and welfare of the City.

e. The Licensee shall comply with all existing and future State and Federal laws, and all ordinances and regulations which may in any manner affect the Licensee's operations under the terms and conditions of these licenses.

f. The Director of Utility Services of the City of Modesto shall administer and supervise the Licensee's operations under the terms of these licenses and in accordance with the provisions of Chapter 5 of Title V of the Municipal Code.

g. The Licensee shall have no ownership interest in industrial garbage collected under the provisions of this license.

h. The Licensee may, with the approval of the Director of Utility Services, salvage materials collected in connection with the collection of industrial garbage under this license.

i. The Licensee shall account for all funds received from the sale of salvageable materials collected in connection with its collection of salvageable material under this license. Such funds shall be accounted for as part of the gross revenues of Licensee under Licensee's license to collect garbage in the City of Modesto.

j. The Licensee shall maintain full and complete books of account and other records showing all business transacted in connection with the license for collection of industrial garbage by said Licensee including, but not limited to, receipts, expenses, profits, supporting statements and vouchers, balance sheets, profit and loss statements, and other documents, accurately reflecting and showing all such business of the Licensee. All such books and records shall be subject to audit and inspection at any and all reasonable times by the City and its authorized officers, agents, or employees and shall be made available at said office of such inspection or audit at any and all reasonable times upon request or demand of the authorized City official. The Licensee shall provide the City annually within ninety (90) days of the end of the preceding fiscal year ending June 30th with five (5) copies of an annual balance sheet and profit and loss statement. Financial statements submitted by the Licensee to the City shall be regarded by the City as confidential financial records of the Licensee, and shall not be released as a public record for inspection by any party other than authorized City officers.

k. The Licensee shall not litter any premises or public property in making collections of industrial garbage or salvageable waste nor shall industrial garbage or salvageable waste be allowed to leak, blow or fall from collection vehicles; however, if in spite of normal precautions against spillage, a litter is made on any premises or public property, the Licensee shall immediately remove same and clean up the area of spillage. Licensee's personnel shall make all collections in a quiet and orderly manner and shall refrain from making unnecessary disturbances and noise.

The Licensee's collection vehicles shall be operated in full compliance with the State of California Motor Vehicle Code and local ordinances. Vehicles shall be thoroughly washed and disinfected inside the collection body each day, or as approved by the Director of Utility Services, and the outside of each vehicle shall be cleaned and washed at least once a week.

1. All equipment and containers used for the collection and hauling of industrial garbage or salvageable waste shall be approved by the Director of Utility Services and shall be so constructed and maintained as to prevent leakage, spillage, or overflow. Trucks shall not be loaded in excess of requirements of the State of California Motor Vehicle Code. All trucks and equipment shall be clearly identified by an assigned equipment number and with the firm name and local telephone number affixed thereto. Collection trucks shall be painted a color approved by the Director of Utility Services, and shall be equipped with such safety devices and warning lights as are required by the State of California Motor Vehicle Code.

All vehicles and equipment used in the collection of industrial garbage or salvageable waste, if kept within the boundaries of the City, shall at all times when not in use be kept on private property in the appropriate zone and not on streets or other public ways.

m. All collection vehicles shall be well maintained, properly identified, painted, clean and in satisfactory mechanical condition.

n. Industrial garbage collected by the Licensee may be disposed of at such locations as are approved by the Health Officer.

o. Salvaging or scavenging by the Licensee, or any of its employees, is prohibited during collection.

p. Licensee agrees, in connection with the performance of all operations under or pursuant to these licenses, to be an equal opportunity employer and not to discriminate against any employee or applicant for employment because of race, creed, color, handicap or national origin.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days from and after its final passage and adoption; provided, however, that the licenses hereby granted shall not become effective unless and until Licensee files with the City Clerk written acceptance thereof and an agreement to be bound by and comply with all the requirements thereof, in a form satisfactory to the City Attorney, and delivers to the City Clerk the insurance policies required to be furnished, pursuant to the provisions of this ordinance and of Chapter 5 of Title V of the Modesto Municipal Code.

SECTION 4. 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 16th day of October, 1984, 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, 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 Johnson
ELWYN L. JOHNSON, City Attorney

Ord. No. 2296-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 23rd day of October, 1984, Councilmember Whiteside moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, 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: November 22, 1984

ORDINANCE NO. 2297 -C.S.

AN ORDINANCE AMENDING SECTION 5-4.207.1 OF ARTICLE 2 OF CHAPTER 4 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO VICIOUS DOGS.

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

SECTION 1. AMENDMENT OF CODE. Section 5-4.207.1 of Article 2 of Chapter 4 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SECTION 5-4.207.1 PURPOSE AND INTENT

Within the City of Modesto there are vicious dogs which constitute a public nuisance which should be abated. The provisions of this Section provide an administrative procedure by which dogs found to be a nuisance may be abated following a hearing at which oral and documentary evidence is considered. This Section is intended to supplement rather than supplant any other remedy available either under state law or the Modesto Municipal Code.

- (a) Vicious Dog Defined. Any dog, except one assisting a peace officer engaged in law enforcement duties, which demonstrates any of the following behavior, is presumed vicious:
- (1) An attack which requires a defensive action by any person to prevent bodily injury or property damage when such person is conducting himself or herself peacefully and lawfully.
 - (2) An attack which results in property damage or in an injury to a person when such a person is conducting himself or herself peacefully and lawfully.
 - (3) An attack on another animal, livestock, or poultry which occurs on property other than that of the owner of the attacking dog.
 - (4) Any behavior which constitutes a threat of bodily harm to a person when such person is conducting himself or herself peacefully and lawfully.

For the purposes of this section, a person is conducting himself or herself peacefully and lawfully upon the private property of an owner or possessor of the dog when he or she is on such property in the performance of any duty imposed on such person by state or local law or by the laws of postal regulations of the United States, or when he or she is on such property upon invitation, either expressed or implied.

- (b) Investigation. Any incident reported to the Modesto Police Department concerning a vicious dog may be investigated by the Chief of Police, or his designee. The investigation may consist of reports of officers made at the time of the incident, or follow up reports. If, based on the investigation, the Chief of Police concludes that there is probable cause to believe that the dog is vicious, he shall so certify in writing within ten (10) days following completion of the investigation to the person owning or controlling the dog. Thereafter a hearing shall be held pursuant to subsections (d), (e) and (f) below.
- (c) Confinement of Dog. If the Chief of Police certifies that there is probable cause to believe that a dog is vicious and a risk to public safety he may direct any animal control officer, police officer or other authorized employee of the City to enter the yard of any private residence or business in order to seize any such dog, whether running at large or not, and confine said dog at an appropriate animal shelter pending the decision of the City Manager following the hearing provided for in subsections (d), (e) and (f) below. The cost of said confinement shall be paid by the person owning or controlling such dog. The dog shall not be released until such costs have been paid in full.
- (d) Hearing-Schedule. A hearing date shall be set not later than ten (10) days from the date of certification. The City Manager shall mail or otherwise deliver to the owner or person controlling the dog and other interested persons, including, but not necessarily limited to, all properties within three hundred (300) feet the address of the owner or person controlling the dog, at least five (5) days prior to the date set for hearing, a notice in substantially the following form:

"NOTICE OF HEARING REGARDING VICIOUS DOG"

To: _____ (name) _____ ; _____ (address) _____ :

"NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 5-4.207.1 of the Modesto Municipal Code, the Chief of Police has certified that there is probable cause to believe a dog owned or controlled by you, a _____ (breed) _____, is vicious.

FURTHER NOTICE IS HEREBY GIVEN that on _____ the _____ day of _____, 19____, at the hour of _____ o'clock, in the offices of the City Manager, City Hall, 801 11th Street, Modesto, California, the report of the Chief of Police will be considered by the City Manager or an appointed hearing officer with such other oral and documentary evidence bearing upon the question of whether your dog is vicious. You may appear and may present evidence at the hearing. You may also be represented by an attorney. If you fail to appear without giving notice to the City Manager, the matter may proceed in your absence and such absence may be further considered a waiver of your right to present evidence and object to any decision made.

In the event your dog is found to be vicious, it will be ordered to be controlled, confined, destroyed, restricted, or otherwise abated as a public nuisance and any impoundment cost incurred shall be assessed against you.

A copy of this notice has been sent to property owners within 300 feet of your address.

Dated: _____

City Manager

- (e) Hearing-Procedure. At the hearing, which may be continued from time to time, both oral and documentary evidence may be taken from any interested person and considered in determining whether the dog is vicious. Any owner who fails to appear after notice as provided herein was given, without obtaining a continuance from the City Manager or an appointed hearing officer, may be deemed to have waived any right to introduce evidence or object to an order made by the City Manager. If the hearing is conducted by a hearing officer other than the City Manager, the

hearing officer shall submit a report to the City Manager summarizing the evidence and making a recommendation as to disposition.

- (f) Hearing-Findings: Public Nuisance. If, based upon the hearing, and the report of the hearing officer, if any, the City Manager upholds the findings of the Chief of Police that the dog is vicious, he or she shall so specify in writing together with the reasons therefor. Any dog found to be vicious is hereby deemed a public nuisance and shall be, pursuant to the order of the City Manager, humanely destroyed, be removed from the City, or the nuisance otherwise abated by appropriate order of the City Manager including, but not limited to, confinement, fencing, muzzling or leashing. The decision of the City Manager shall be made within ten (10) days after the conclusion of the hearing and shall be final. A copy of the decision shall be sent by certified mail or personally served upon the person owning or controlling the dog.
- (g) Cost of Impoundment. If the City Manager finds the dog is vicious, the costs of impoundment incurred by the City, including any abatement period, shall be paid by the owner or the person controlling the dog and shall become a lien against the real property upon which the dog was kept and maintained until said lien is paid. If the order includes the release of a dog found to be vicious to the owner or person controlling it, the dog shall not be released until such costs have been paid in full. If such costs have not been paid within thirty (30) days after the date of mailing or delivery of the order, the City Manager may dispose of the dog in any manner provided by law, or return the dog and pursue alternative collection procedures. The total amount of the impoundment charges may be entered on the next fiscal year tax roll as a lien against the property upon which the dog was maintained and shall be subject to the same penalties as are provided for other delinquent taxes, liens or assessments of the City, or an action may be brought in the name of the City to recover the costs of impoundment.
- (h) Criminal Sanctions. The first violation of any order issued pursuant to subsection (f) above shall constitute an infraction. The second and any further violations within 24 months of the order shall be misdemeanors.

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 16th day of October, 1984, 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, Patterson, Sutton, Whiteside,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

APPROVED: 
PEGGY MENSINGER, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

Ord. No. 2297-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 23rd day of October, 1984, Councilmember Whiteside moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED

Reggy Mensinger
MAYOR REGGY MENSINGER

ATTEST:

Morrine Coyle
MORRINE COYLE, City Clerk

EFFECTIVE DATE: November 22, 1984

ORDINANCE NO. 2298-C.S.

AN ORDINANCE AMENDING SECTION 10-2.505 OF ARTICLE 5 OF
CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING
TO SIDE YARD ZONING.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.505 of Article 5 of
Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read
as follows:

SECTION 10-2.505. SIDE YARDS.

- (a) The minimum side yard for a dwelling shall be five (5') feet.
Use of a side yard by an adjacent property owner is permissible
in a subdivision provided:
- (1) The side yard is included in a nonexclusive easement for
landscaping by the adjacent property owner and subject to
maintenance and repair rights of the property owner.
Above or below ground structures shall not be constructed
in the easement.
 - (2) Provisions for the nonexclusive easement are contained in
the Conditions, Covenants and Restrictions for the
subdivision with wording approved by the City Attorney.
 - (3) There are no doors or entry ways in the building walls
installed adjacent to the easement.
 - (4) The side yard may not be used for the parking or storage
of vehicles including but not limited to automobiles,
trucks, trailers, motorhomes, mobilehomes, or other
recreational vehicles.
- (b) The minimum side yard for a garage, carport, required parking
space or accessory structure shall be five (5') feet except
when located to the rear and at least five (5') feet from the
dwelling(s), in which case no side yard is required. This
minimum five (5') foot area between a dwelling and accessory
building or use shall be unobstructed from the ground upward.
In no case shall any portion of a building overhang a property
line.

- (c) Side street side yards shall be unobstructed except that walls and fences outside the clear vision triangle are permitted a maximum of forty-two (42") inches in height.
- (d) On corner lots, the side street side yard shall be a minimum of fifteen (15') feet for a dwelling or accessory building except for lots legally existing or on an approved tentative subdivision map prior to July 7, 1955 which shall have a minimum side street side yard of seven and one-half (7.5') feet. Garages, carports, and required parking spaces opening onto a side street side yard shall have a minimum twenty (20') foot side yard.
- (e) If a legally existing lot has less than the required lot width, the side yard shall be a minimum of ten (10%) percent of the lot width, but in no case shall an interior side yard be less than three (3') feet and a side street side yard be less than seven and one-half (7.5') feet.

SECTION 2. DECLARATION OF EMERGENCY. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure for preserving the public peace, health and safety, and the following is a statement of reasons for its urgency:

The Council, by Ordinance No. 2286-C.S., which became effective on October 11, 1984, amended Section 10-2.505 of the Modesto Municipal Code to allow use of a side yard in the R-1 Zone by an adjacent property owner. When said ordinance was adopted, it inadvertently omitted wording from subsection (d) of Section 10-2.505 which requires garages, carports, and required parking spaces opening onto a side street side yard to have a minimum 20 foot yard. In order to prevent garages, carports and required parking spaces from being only 7 1/2 or 15 feet from side street property lines, it is necessary that this ordinance take effect immediately.

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

SECTION 4. PUBLICATION. 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 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 16th day of October, 1984, by Councilmember Lang, who moved its introduction and adoption which motion being duly seconded by Councilmember Whiteside, was upon roll call carried by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

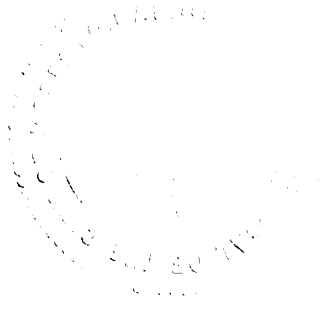
ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



ORDINANCE NO. 2299-C.S.

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

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 Low Density Residential Zone, R-1, to Planned-Development Zone, P-D(363):

R-1 to P-D

All that certain real property situate in a portion of the northwest quarter of Section 21, 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, 2 and 3 as shown on the subdivision map of Lots 21 and 22 of the Mensinger Colony, according to the official map thereof, filed in the Office of the Recorder of Stanislaus County, California, on April 15, 1927, in Volume 11 of Maps, Page 2.

Excepting therefrom the South 90.00 feet of above mentioned Lot 3.

SECTION 2. USES. The following uses shall be permitted in said P-D(363) 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. Twelve (12) one-story detached elderly housing structures containing a total of forty-eight (48) dwelling units.
2. One (1) detached single story manager's unit.
3. Three (3) detached laundry facility buildings.
4. Fifty-two (52) uncovered parking spaces.

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 23rd day of October, 1984, 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:

Percy Mensinger
PERCY MENSINGER, Mayor

ATTEST:

By

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

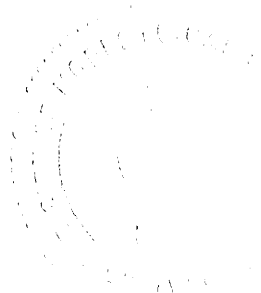
By

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By

William Smith
Department of Planning and
Community Development



Ordinance 2299 C.S.

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

FINAL ADOPTION CLAUSE

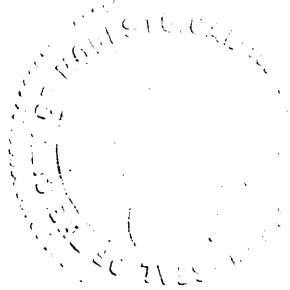
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13th day of November, 1984, Councilmember Lang moved its final adoption, which motion being 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: *Horrine Coyle*
HORRINE COYLE, City Clerk

EFFECTIVE DATE: November 12, 1984



ORDINANCE NO. 2300 -C.S.

AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (JAMES E. PRICE)

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

SECTION 1. ZONING CHANGE. Section 15-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D(362):

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

Beginning at the Southwest corner of Parcel 4 as shown on that certain map filed in Volume 34 of Parcel Maps, at Page 80, Stanislaus County Records; thence North 89°22'53" West, 230.60 feet; thence North 0°01'03" East, 421.00 feet; thence South 89°23'50" East, 230.60 feet to a point on the West line of said Parcel 4; thence South 0°01'03" west, along said West line of Parcel 4, 421.06 feet to the beginning.

Containing: 2.23 Acres of land.

SECTION 2. USES. The following uses shall be permitted in said P-D(362) 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 16 lot patio home subdivision.

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 23rd day of October, 1984, 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:


PEGGY MENSINGER, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO FORM:

By 
Department of Planning and
Community Development



Ordinance 2300 C.S.

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

Ord. No. 2300-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 6th day of November, 1984, Councilmember Whiteside 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 6, 1984



ORDINANCE NO. 2301-C.S.

AN ORDINANCE AMENDING SECTION MAP 2-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (BENNETT AND COMPTON, INC.)

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

SECTION 1. ZONING CHANGE. Section 2-3-8 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D(365):

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 2. USES. The following uses shall be permitted in said P-D(365) 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:

Sixty-eight (68) condominium units.

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

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

SECTION 5. PUBLICATION. 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 November, 1984, 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

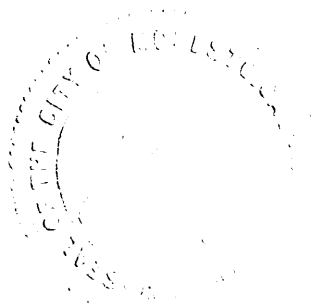
(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Parks
Department of Planning and
Community Development



FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 4th day of December, 1984, 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: January 3, 1985



ORDINANCE NO. 2302-C.S.

AN ORDINANCE AMENDING SECTION MAP 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (R. K. LOWE)

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

SECTION 1. ZONING. Section 22-3-9 of the Zoning Map is hereby amended to reclassify the following described property to Planned-Development Zone, P-D(88):

All that portion of Lot 13 of the Broughton Colony as shown on the map filed in Volume 1 of Maps at Page 78, Stanislaus County Records lying in the northwest quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Parcel 1:

Commencing at the intersection of the west line of said Section 22 with the westerly prolongation of the north line of said Lot 13; thence North $89^{\circ}53'05''$ East along said north line of Lot 13 and its westerly prolongation thereof, a distance of 887.18 feet to its intersection with the centerline of Granada Way, a 50.00 foot wide public street and the true point of beginning of this description; thence continuing North $89^{\circ}53'05''$ East along said north line of Lot 13 a distance of 428.06 feet to the northeast corner thereof; thence South $0^{\circ}32'07''$ East along the east line of said Lot 13 a distance of 329.76 feet to the southwest corner of the North half of said Lot 13; thence South $89^{\circ}53'36''$ West along the south line of the North half of said Lot 13 a distance of 170.97 feet to the east line of Parcel 3 as shown on the map filed in Volume 3 of Parcel Maps at Page 121, Stanislaus County Records; thence North $0^{\circ}06'24''$ West along said east line of Parcel 3 a distance of 130.22 feet; thence South $89^{\circ}53'36''$ West a distance of 122.20 feet; thence in a westerly direction along a curve concave to the southeast thru a central angle of $21^{\circ}42'56''$, having a radius of 250.00 feet, a curve distance of 94.75 feet; thence North $21^{\circ}49'20''$ West along a radial line a distance of 72.19 feet; thence in a northerly direction along a curve concave to the East thru a central angle of $21^{\circ}19'40''$, having a radius of 250.00 feet, a curve distance of 93.06 feet; thence North $0^{\circ}29'40''$ West a distance of 59.34 feet to the point of beginning.

CONTAINING: 2.443 acres gross.

Parcel 2:

Commencing at the northeast corner of said Lot 13, thence South $0^{\circ}32'07''$ East along the east line of said Lot 13 a distance of 329.16 feet to the true point of beginning of this description; then continuing South $0^{\circ}32'07''$ East along the east line of said Lot 13 a distance of 176.63 feet to the centerline intersection of Crestview Drive, a 60-foot wide public street, thence in a northwesterly direction along the future extension of the centerline of said Crestview Drive the following three (3) courses and distances: 1) along a curve concave to the southeast thru a central angle of $1^{\circ}14'25''$, having a radius of 550.00 feet a curve distance of 11.91 feet to a point of reverse curvature; 2) along a curve concave to the northeast thru a central angle of $112^{\circ}09'15''$, having a radius of 117.07 feet, a curve distance of 229.16 feet, and 3) North $0^{\circ}06'24''$ West a distance of 72.57 feet; thence North $89^{\circ}53'36''$ East a distance of 170.97 feet to the point of beginning.

CONTAINING: 0.674 acres.

SECTION 2. USES. The following uses shall be permitted in said P-D(88) 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 33-unit condominium project including two swimming pools and related parking.

SECTION 3. ZONING MAP. Section Map 22-3-9 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.

SECTION 6. REPEALS. Ordinance Nos. 1112-C.S., 1126-C.S., 1221-C.S. and 1230-C.S. are hereby repealed.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1984, 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 E. Johnson*
ELWYN E. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *William Brinda*
Department of Planning and
Community Development

Ordinance 2302 C.S.

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 4th day of December, 1984, 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: January 3, 1985



ORDINANCE NO. 2303 -C.S.

AN ORDINANCE AMENDING SECTION MAP 7-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (PAN CAPITAL, INC.)

WHEREAS, a verified application for an amendment to Section 7-4-9 of the Zoning Map was filed by Pan Capital, Inc. on September 28, 1984, to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on November 5, 1984, 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. 84-170, adopted on November 5, 1984, the Planning Commission recommended to the Council that the application of Pan Capital, Inc. to amend Section 7-4-9 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on December 18, 1984, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The property fronts on Hatch Road, a major street and is at the intersection of a collector street.
2. The proposed R-2 zoning conforms to the Zoning and Development Plan for the Bret Harte and east portion of the Fairview Neighborhoods adopted in early 1981.

SECTION 2. ZONING CHANGE. Section 7-4-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2:

R-1 to R-2

ALL that certain real property being a portion of Parcel "C", as shown on the map filed in Book 32 of Parcel Maps, at page 68, Stanislaus County Records, and lying in the Northeast quarter of Section 7, Township 4 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Beginning at the Northwest corner of said Parcel "C", said point on the Southerly right-of-way line of Hatch Road; thence in an easterly direction along the North line of said Parcel "C" and the Southerly right-of-way line of Hatch Road the following three(3) courses; 1) thence North $88^{\circ}10'19''$ East, 215.97 feet to the beginning of a curve concave to the Northwest; 2) thence 226.29 feet along the arc of said curve, through a central angle of $12^{\circ}20'53''$ having a radius of 1050.00 feet to a point of reverse curve, concave to the Southwest; 3) thence 27.32 feet along said curve through a central angle of $104^{\circ}21'34''$ having a radius of 15.00 feet, to a point on the East line of said Parcel "C" and the Westerly right-of-way line of Ustick Road thence in a Southerly direction along the East line of Parcel "C" and the Westerly right-of-way line of Ustick Road the following three (3) courses; 1) thence South $0^{\circ}11'00''$ West, 115.00 feet; 2) thence South $2^{\circ}12'09''$ East, 120.10 feet; 3) thence South $0^{\circ}11'00''$ West 158.04 feet; thence leaving said East line of Parcel "C", North $89^{\circ}49'00''$ West, 15.00 feet to the beginning of a curve concave to the Northeast; thence 148.93 feet along said curve through a central angle of $22^{\circ}45'18''$ having a radius of 375.00 feet to the point of reverse curve, concave to the Southwest; thence 248.22 feet along said curve through a central angle of $22^{\circ}45'18''$ having a radius of 625.00 feet; thence North $89^{\circ}49'00''$ West, 61.32 feet to a point on the West line of said Parcel "C"; thence North $0^{\circ}11'00''$ East, along said West line, a distance of 290.00 feet to the point of beginning.

Including that portion of Ustick Road located between the above described property and the East section line of said Section 7.

Also including the Southern 50 feet of the Hatch Road right-of-way immediately adjacent to the above described property.

SECTION 3. ZONING MAP. Section 7-4-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. 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 18th day of December, 1984, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bright,

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

AYES: Councilmembers: Bright, 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 Prichard*
Department of Planning and
Community Development

Ordinance 2303 C.S.

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of December, 1984, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, 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: January 25, 1985

AN ORDINANCE AMENDING SECTION MAP 24-3-9 OF THE ZONING MAP TO REPEAL P-D(226) AND REZONE TO R-1, PROPERTY LOCATED ON THE NORTHWEST CORNER OF CLAUS ROAD AND SCENIC DRIVE. (COMMISSION INITIATED)

WHEREAS, the City Council, by Ordinance No. 1827-C.S., which was adopted on May 22, 1979, and which became effective on June 21, 1979, amended Section Map 24-3-9 of the Zoning Map to prezone to Planned Development Zone, P-D(226), for a combination neighborhood shopping center and professional office complex on the west side of Claus Road north of Scenic Drive as requested by Modesto Development Company, and

WHEREAS, the Council, by Resolution No. 79-445, adopted on May 8, 1979, approved the development schedule for P-D(226) which specified that the entire construction program be accomplished in two phases, with construction of Phase I to begin on or before July 1, 1982, and completion to be not later than July 1, 1985, and

WHEREAS, two time extensions of one year each have been granted by the Planning Commission, the last on October 24, 1983, after P-D(226) had expired, and

WHEREAS, P-D(226), now owned by Crocker Bank, has expired a second time, 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. 84-165 adopted on October 15, 1984 initiated proceedings to review and extend the development schedule or to repeal P-D(226) and rezone the property to Low Density Residential Zone, R-1, and set November 5, 1984 as the date for public hearing, and

WHEREAS, said public hearing was held by the Planning Commission on November 5, 1984, in the City Council Chambers, City Hall, 801 11th Street, Modesto, at which hearing evidence both oral and documentary was received and considered, and thereafter the Planning Commission, by Resolution 84-173 found and determined that the repeal of Planned Development Zone, P-D(226) 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. P-D(226) did not develop within the extended time limits of the revised development schedule.
2. Section 10-2.2709(c) of the Municipal Code calls for repeal or modification of expired P-D zones.
3. The City's commercial zoning and development policy calls for allowing another major street corner property the exclusive opportunity to develop a shopping center when the approved shopping center zoning expires.

and

WHEREAS, by Resolution No. 84-173, adopted November 5, 1984, the Planning Commission recommended to the Council that Section Map 24-3-9 of the

Zoning Map be amended to repeal P-D(226) 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 December 18, 1984, 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(226), 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. 84-173, and quoted above:

SECTION 2. ZONING CHANGE. Section 24-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(226), to Low Density Residential Zone, R-1:

All that portion of Lots 7, 16, and 17 of Idaho Colony, as shown on the map filed in Book 4 of Maps at Page 21, Stanislaus County Records lying in Section 24, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, State of California, described as follows:

BEGINNING at the East quarter corner of said Section 24; thence South 0°47' East, on the East line of said Section 24 and centerline of Claus Road, 838.65 feet to the intersection with the centerline of Scenic Drive; thence South 89°13'00" West, on said centerline, 20.00 feet to the beginning of a curve concave to the South, having a radius of 145.10 feet and a central angle of 18°23'00"; thence Southwesterly on the arc of said curve a distance of 46.56 feet; thence South 70°50' West, 245.91 feet to the beginning of a curve concave to the Northwest, having a radius of 350.00 feet and a

central angle of 17°57'30"; thence Southwesterly on the arc of said curve a distance of 109.70 feet; thence North 1°12'30" West, 5.00 feet; thence South 88°48' West along said centerline, 137.80 feet; thence leaving said centerline North 0°47' West, 1011.96 feet; thence North 89°13'00" East, 150.00 feet; thence North 0°47' West, 505.91 feet; thence North 89°21' East; 390.00 feet to said East line of Section 24 and the centerline of Claus Road; thence South 0°47' East, along said Section line and centerline of Claus Road 561.05 feet to the point of beginning.

Containing 16.487 acres.

and

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 18th day of December, 1984, 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, Mayor

ATTEST:

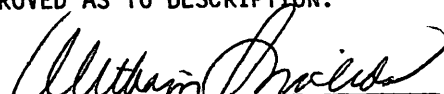
By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and
Community Development

Ordinance 2304 C.S.

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of December, 1984, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, 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: January 25, 1985

ORDINANCE NO. 2305 -C.S.

AN ORDINANCE AMENDING SECTION MAP 19-3-10 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (JIM LAMATIS)

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

SECTION 1. ZONING CHANGE. Section 19-3-10 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D(364):

R-1 to P-D(364)

ALL that certain real property being parcels "1, 2, and 3" as shown on the Official Map filed in Book 18 of Parcel Maps, at Page 9, Stanislaus County Records, lying in a portion of the North half of the Northwest quarter of Section 19, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, City of Modesto, State of California, more particularly described as follows:

COMMENCING at the Southwest corner of said parcel "2", said corner lying on the East right-of-way line of Claus Road; thence North $0^{\circ}39'16''$ West along said East right-of-way line of Claus Road, 447.42 feet to the beginning of a tangent curve, concave to the Southeast, having a radius of 15.00 feet and a central angle of $90^{\circ}19'14''$; thence Northeasterly along the arc of said curve, 23.65 feet to a point on the south right-of-way of Parker Road; thence North $89^{\circ}39'58''$ East along said South right-of-way line of Parker Road, 66.19 feet to the beginning of a tangent curve, concave to the Northwest, having a radius of 230.00 feet and a central angle of $27^{\circ}16'04''$; thence Northeasterly along the arc of said curve, 109.46 feet; thence North $62^{\circ}23'54''$ East, 34.18 feet to the beginning of a tangent curve, concave to the Southeast, having a radius of 170.00 feet and a central angle of $27^{\circ}14'42''$; thence Northeasterly along the arc of said curve, 80.84 feet; thence North $89^{\circ}38'36''$ East, 635.28 feet to the Northeast corner of said Parcel "3"; thence South $0^{\circ}31'18''$ East along the East property line of said Parcel "3", 537.07 feet to the Southeast corner of said Parcel "3"; thence North $89^{\circ}27'29''$ West along the South property line of said parcels "2 & 3", 929.41 feet to the point of beginning.

Including also the East 50.00 feet of Claus Road, all of Parker Road and that portion of Modesto Irrigation Lateral Number 3 located between the North line of said Section 19 and said parcels 1, 2 and 3 and all being immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(364) 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:

Neighborhood shopping center limited to uses allowed in the C-1 Zone.

SECTION 3. ZONING MAP. Section Map 19-3-10 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 18th day of December, 1984, by Councilmember Whiteside, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, 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 Arthur Orwick
Department of Planning and
Community Development

Ordinance 2305 C.S.

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of December, 1984, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Reggy Mensinger
MAYOR REGGY MENSINGER

ATTEST:

Morrine Coyle
MORRINE COYLE, City Clerk

EFFECTIVE DATE: January 25, 1985

ORDINANCE NO. 2306 -C.S.

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

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

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

SEC. 3-2.1401.1. CHANGE IN SPEED LIMITS SET BY STATE LAW: FOR PURPOSE OF ENFORCEMENT USING RADAR OR OTHER ELECTRONIC DEVICE.

By authority 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	December 5, 1984
BOWEN AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	November 15, 1982
BRIGGSMORE AVENUE, between Prescott Road and Tully Road	45 miles per hour	January 27, 1984
BRIGGSMORE AVENUE, (east and westbound) between Tully Road and McHenry Avenue	45 miles per hour	January 27, 1984
BRIGGSMORE AVENUE, (westbound) between Coffee Road and McHenry Avenue	45 miles per hour	January 27, 1984

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	January 26, 1984
BRIGGSMORE AVENUE, between Coffee Road and Rose Avenue	45 miles per hour	January 26, 1984
BRIGGSMORE AVENUE, between Rose Avenue and Oakdale Road	45 miles per hour	January 26, 1984
BRIGGSMORE AVENUE, between Oakdale Road and Claus Road	50 miles per hour	January 26, 1984
BRIGHTON AVENUE, between Coffee Road and Locke Road	30 miles per hour	June 15, 1983
CARPENTER ROAD, between Blue Gum Avenue and Woodland Avenue within the City limits	45 miles per hour	February 8, 1984
CARPENTER ROAD, between Woodland Avenue and Maze Boulevard within the City limits	45 miles per hour	June 14, 1984
CARPENTER ROAD, between Maze Boulevard and Paradise Road within the City limits	45 miles per hour	January 26, 1984
CARVER ROAD, between M.I.D. Lateral No. 6 and Brixton Lane within the City limits	40 miles per hour	December 10, 1981
CARVER ROAD, between Brixton Lane and Roseburg Avenue	35 miles per hour	November 15, 1982
CARVER ROAD, between Roseburg Avenue and 9th Street	35 miles per hour	November 13, 1982

CELESTE DRIVE, between Coffee Road and Oakdale Road	30 miles per hour	June 14, 1983
CLAUS ROAD, between M.I.D. Lateral No. 3 and 200' south of Scenic Drive	45 miles per hour	February 3, 1984
COFFEE ROAD, between Mable Avenue and Sylvan Avenue within the City limits	40 miles per hour	June 6, 1981
COFFEE ROAD, between Sylvan Avenue and Floyd Avenue within the City limits	35 miles per hour	January 26, 1984
COFFEE ROAD, between Floyd Avenue and Briggsmore Avenue	35 miles per hour	January 26, 1984
COFFEE ROAD, between Briggsmore Avenue and Scenic Drive	35 miles per hour	January 26, 1984
COLLEGE AVENUE, between Rumble Road and Bowen Avenue	30 miles per hour	March 8, 1984
COLLEGE AVENUE, between Bowen Avenue and Princeton Avenue	35 miles per hour	November 20, 1982
CROWS LANDING ROAD, Blankenburg Avenue to School Avenue, within the City limits	35 miles per hour	June 22, 1983
DALE ROAD, between Pelandale Avenue and Snyder Avenue	50 miles per hour	May 29, 1984
DALE ROAD, between Snyder Avenue and Veneman Avenue	45 miles per hour	May 29, 1984
DALE ROAD, between Veneman Avenue and Standiford Avenue	35 miles per hour	January 26, 1984
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 Scenic Drive and Yosemite Boulevard	35 miles per hour	April 20, 1984
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 Sunrise Avenue and Coffee Road	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 Maze Boulevard and California Avenue	35 miles per hour	November 20, 1982
GRANGER AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	June 14, 1983
GRANGER AVENUE, between McHenry Avenue and Sunrise Avenue	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	January 26, 1984

KEARNEY AVENUE, between Glenwood Drive and Coldwell Avenue	30 miles per hour	January 19, 1981
KELLER STREET, between Sylvan Avenue and Rumble Road within the City limits	30 miles per hour	January 26, 1984
LAKEWOOD AVENUE, between Orangeburg Avenue and Scenic Drive	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 650' north of M.I.D. Lateral No. 2 and Yosemite Boulevard	35 miles per hour	December 8, 1984
MABLE AVENUE, between Coffee Road and Oakdale Road	40 miles per hour	February 24, 1981
MERLE AVENUE, between Oakdale Road and Claus Road	45 miles per hour	May 29, 1984
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 Prescott Road and Carver Road	30 miles per hour	June 14, 1983
MT. VERNON DRIVE, between Carver Road and College Avenue	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 9th and and L 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 Mable Avenue and Sylvan Avenue	50 miles per hour	May 29, 1984
OAKDALE ROAD, between Sylvan Avenue and Floyd Avenue	50 miles per hour	June 15, 1984
OAKDALE ROAD, between Floyd Avenue and Briggsmore Avenue	45 miles per hour	December 8, 1984
OAKDALE ROAD, between Briggsmore Avenue and Scenic Drive	35 miles per hour	January 26, 1984
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
ORANGEBURG AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	July 21, 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	January 27, 1984
ORANGEBURG AVENUE, between Oakdale Road and Lakewood Avenue	35 miles per hour	November 19, 1984
ORANGEBURG AVENUE, between Lakewood Avenue and Claus Road	35 miles per hour	December 6, 1984
PARADISE ROAD, between Vernon Avenue and Franklin Street within the City limits	35 miles per hour	September 24, 1984

PARADISE ROAD, between Franklin Street and Washington Street	30 miles per hour	May 29, 1984
PRESCOTT ROAD, between Rumble Road and Briggsmore Avenue	35 miles per hour	January 26, 1984
PRINCETON AVENUE, between Tully Road and College Avenue	25 miles per hour	December 8, 1984
RIVERSIDE DRIVE, between Edgebrook Drive and Yosemite Boulevard	35 miles per hour	January 19, 1981
ROSE AVENUE, between Floyd Avenue and Briggsmore Avenue	35 miles per hour	November 16, 1982
ROSE AVENUE, between Briggsmore Avenue and Scenic Drive	35 miles per hour	November 3, 1982
ROSEBURG AVENUE, between Carver Road and Tully Road	30 miles per hour	June 14, 1983
ROSEBURG AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	June 14, 1983
ROSEBURG AVENUE, between McHenry Avenue and Surnise Avenue	35 miles per hour	June 14, 1983
ROSELAWN AVENUE, between Rouse Avenue and Colorado 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 Sisk Road and Conant Avenue	40 miles per hour	December 9, 1981
RUMBLE ROAD, between Conant Avenue and Tully Road	30 miles per hour	June 14, 1983
RUMBLE ROAD, between Tully Road and McHenry Avenue	35 miles per hour	January 19, 1981

RUMBLE ROAD, between McHenry Avenue and Coffee Road	35 miles per hour	June 14, 1983
SCENIC DRIVE, between Burney Street and Coffee Road	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	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 600' north of Vintage Drive and Standiford Avenue	40 miles per hour	March 6, 1981
SISK ROAD, between Standiford Avenue and Brenner Way	40 miles per hour	December 9, 1981
SISK ROAD, between Brenner Way and Briggsmore Avenue	40 miles per hour	June 8, 1983
STANDIFORD AVENUE, between Dale Road and Prescott Road within the City limits	40 miles per hour	December 8, 1984
STANDIFORD AVENUE, between Prescott Road and Carver Road	40 miles per hour	December 8, 1984
STANDIFORD AVENUE, between Carver Road and Tully Road	40 miles per hour	January 26, 1984

STANDIFORD AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	May 18, 1984
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	December 8, 1984
SURREY AVENUE, between Oakdale Road and Eastridge Drive	30 miles per hour	December 6, 1984
SUTTER AVENUE, between Paradise Road and Robertson Road	30 miles per hour	November 1, 1982
SYCAMORE AVENUE, between Orangeburg Avenue and Griswold Avenue	30 miles per hour	March 9, 1984
SYLVAN AVENUE, between McHenry Avenue and Coffee Road	40 miles per hour	December 8, 1984
SYLVAN AVENUE, between Coffee Road and Oakdale Road within the City limits	40 miles per hour	December 8, 1984
TOKAY AVENUE, between McHenry Avenue and Bodega Lane	35 miles per hour	January 27, 1982
TULLY ROAD, between M.I.D. Lateral No. 6 and Standiford Avenue	40 miles per hour	June 14, 1983
TULLY ROAD, between Standiford Avenue and Coldwell Avenue	35 miles per hour	November 20, 1982
TUOLUMNE BOULEVARD, between Paradise Road and 7th Street	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 Roseburg Avenue and Needham Street	30 miles per hour	June 14, 1983
WHITMORE AVENUE, between Crows Landing Road and Morgan Road within the City limits	45 miles per hour	December 10, 1981
WOODLAND AVENUE, between Morse Road and Shasta Avenue, within the City limits	45 miles per hour	January 26, 1984
WOODLAND AVENUE, between Shasta Avenue and Carpenter Road, within the City limits	40 miles per hour	December 5, 1984
WOODLAND AVENUE, between Carpenter Road and 9th Street, within the City limits	35 miles per hour	December 10, 1981
WOODROW AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	June 14, 1983
WYLIE DRIVE, between Rose Avenue and Oakdale Road	35 miles per hour	February 7, 1984
9TH STREET, between P Street and L 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 26th day of December, 1984, by Councilmember Bright who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and 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
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 8th day of January, 1985, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, 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: February 7, 1985

ORDINANCE NO. 2307 -C.S.

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

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 Low Density Residential Zone, R-1, to Planned-Development Zone, P-D(366):

All that portion of the Northeast quarter of the Northeast quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

COMMENCING at the Northeast corner of Section 21; thence North 89°38'20" West of the North line of said Section 21, a distance of 992.21 feet; thence South 0°40'30" East a distance of 109.80 feet to the point of beginning of this description; thence continuing South 0°40'30" East a distance of 1169.40 feet to the North road line of East Orangeburg Avenue; thence South 89°41'00" East, a distance of 229.65 feet to the west line of the Modesto Irrigation District Lateral Number 4; thence North 25°22'20" East along the West side of said Lateral a distance of 489.15 feet; thence North 0°40'38" West a distance of 764.82 feet to a non tangent point on a curve concave to the Southeast and having a central angle of 12°30'44" a radius of 1170 feet and a length of 255.50 feet; thence Westerly along said curve a distance of 27.28 feet to a tangent point to a curve concave to the Northeast and having a central angle of 12°30'44"; a radius of 1230 feet and a length of 268.61 feet; thence Westerly along said curve a distance of 268.61 feet; thence South 89°46'48" West a distance of 150.37 feet to the point of beginning of this description.

Including all of the Northern one-half of East Orangeburg Avenue immediately adjacent to the above described property.

Also including that area located immediately adjacent to and between the north line of the above described property and the north line of said Section 21.

SECTION 2. USES. *The following uses shall be permitted in said P-D(366) 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. a convalescent hospital
2. an elderly housing complex

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 8th day of January, 1985, by Councilmember Whiteside, who moved its introduction and

passage to print, which motion being duly seconded by Councilmember

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

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, 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 WS Nichols
Department of Planning and
Community Development



Ordinance 2307 C.S.

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of January, 1985, Councilmember Sutton 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: *Morrine Coyle*
MORRINE COYLE, City Clerk

EFFECTIVE DATE: February 14, 1985

ORDINANCE NO. 2308-C.S.

AN ORDINANCE AMENDING SECTION MAP 11-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (BELCO DEVELOPMENT INVESTMENT CO.)

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

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

hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D(367):

All that portion of Lot 8 of the McKinney Colony as per map filed November 21, 1903, in Volume 1 of Maps, Page 57, Stanislaus County Records, described as follows:

Commencing at the Northeasterly corner of said Lot 8, said point lying on the Easterly line of Section 11, Township 3 South, Range 8 East, Mount Diablo Base and Meridian; thence South $89^{\circ}15'15''$ West along the Northerly line of said Lot 8, a distance of 52 feet to the Westerly line of Dale Road and the point of beginning; thence South $0^{\circ}19'18''$ East along said Westerly line of Dale Road, a distance of 111.37 feet; thence South $18^{\circ}35'19''$ West a distance of 49.07 feet; thence South $68^{\circ}01'40''$ West a distance of 156.62 feet; thence North $74^{\circ}35'48''$ West a distance of 121.52 feet to the beginning of a curve concave to the Southwest having a radius of 1130 feet; thence Northwesterly 52.94 feet along said curve through a central angle of $2^{\circ}41'04''$; thence North $53^{\circ}12'59''$ East, a distance of 248.32 feet to the Northerly line of said lot 8; thence North $89^{\circ}15'15''$ East, along said Lot line, a distance of 119.17 feet to the point of beginning.

Including also the Westerly 52-feet of Dale Road, Northerly one-half of Standiford Avenue, and all of that portion of 80-foot wide Sisk Road and all immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(367) 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:

Financial Institutions
Business/Professional offices allowed in the P-0 zone

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

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

SECTION 5. PUBLICATION. 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 January, 1985, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Bright, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

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. Prichard*
Department of Planning and
Community Development

Ordinance 2308 C.S.

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of February, 1985, Councilmember Patterson 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, Whiteside, Mayor Mensinger
- NOES: Councilmembers:** None
- ABSENT: Councilmembers:** Sutton

APPROVED Beggy Mensinger
MAYOR BEGGY MENSINGER

ATTEST: Morrine Coyle
MORRINE COYLE, City Clerk

EFFECTIVE DATE: March 7, 1985

ORDINANCE NO. 2309-C.S.

AN ORDINANCE AMENDING SECTIONS 4-6.609, 4-6.802, AND 4-6.803 OF CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO TAXICAB REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 4-6.609, 4-6.802 and 4-6.803 of Article 8 of Chapter 6 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-6.609. TAXICAB TO BE ATTENDED.

It shall be unlawful for the driver of any taxicab to allow said taxicab to remain standing or parked in any taxicab stand established for that specific taxicab or taxicab company, unless said driver is inside or within five (5') feet of the taxicab, except when the driver is assisting passengers to load or unload, or when answering his or her telephone.

SEC. 4-6.802. PARKING OF TAXICABS.

It shall be unlawful for the driver of any taxicab to allow said taxicab to remain standing or parked anywhere in the area bounded by and including G Street, 6th Street, L Street, Needham Avenue and 17th Street while awaiting or soliciting employment, except in a taxicab stand established for that specific taxicab or taxicab company; provided, however, that:

(a) A taxicab may be parked in any available legal on-street parking space, for not more than three (3) minutes, when the driver is actually engaged in loading or unloading passengers.

(b) Except while awaiting or soliciting employment, a taxicab may be parked in any municipal off-street parking facility, provided that the driver of said taxicab shall pay the prescribed parking fee for using the off-street parking facility. The driver of a taxicab, however, may park, await, and solicit employment in any private off-street parking area after having obtained the property owner's permission.

(c) Between the hours of 10 o'clock P.M. and 8 o'clock A.M. of the following day, the driver of a taxicab may stop, stand or park a taxicab in any place where the parking of vehicles is legally permitted, except in taxicab stands established for other taxicab companies.

SEC. 4-6.803. USE OF TAXICAB STANDS AT PASSENGER DEPOTS.

The driver of any certificated taxicab may use any vacant taxicab stand located in front of a passenger depot for not more than three (3) minutes when engaged in loading or unloading passengers.

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 January, 1985, by Councilmember Lang, 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

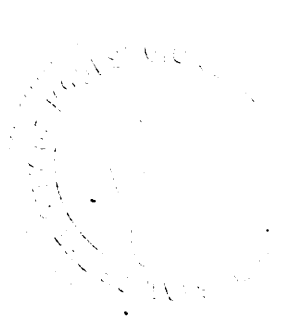
ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



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 January, 1985, 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, Sutton, Whiteside, Acting Mayor Patterson

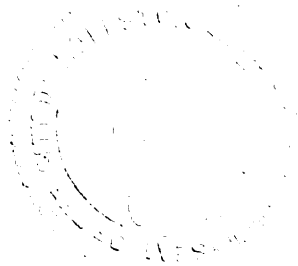
NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED Richard Patterson
ACTING MAYOR PATTERSON

ATTEST: Morrine Coyle
MORRINE COYLE, City Clerk

EFFECTIVE DATE: February 21, 1985



ORDINANCE NO. 2310-C.S.

AN ORDINANCE AMENDING SECTION 3-10.20 OF CHAPTER 10 OF TITLE III OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTION 3-10.22.1 THERETO RELATING TO TOWING SERVICES.

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

SECTION 1. AMENDMENT OF CODE. Section 3-10.20 of Chapter 10 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-10.20. NATURE OF ATTENDANT'S PERMIT.

The attendant's permit shall be in the form of a card which shall bear the signature, photograph and fingerprints of the applicant. Such card shall be issued in duplicate; and one (1) copy with the signature, photograph and fingerprints shall be placed on file with the Chief of Police. The other card shall be carried on the person of the permittee at all times while operating a tow car or tow truck. The permit, when issued, remains the property of the Modesto Police Department.

SECTION 2. AMENDMENT OF CODE. Section 3-10.22.1 is hereby added to Chapter 10 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-10.22.1. TERMINATION OF EMPLOYMENT.

It shall be the duty of the towing service operator to notify the Chief of Police in writing within five (5) days whenever an attendant has either voluntarily or involuntarily terminated employment.

Each tow service attendant shall return his/her attendant's permit to the Chief of Police within five (5) days after the effective date of termination of employment as a towing service attendant.

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

SECTION 4. PUBLICATION. 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 January, 1985, 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. 2310-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 January, 1985, 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, Sutton, Whiteside, Acting Mayor Patterson
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Mensinger

APPROVED

Richard Patterson

ATTEST:

Morrine Coyle
MORRINE COYLE, City Clerk

EFFECTIVE DATE: February 21, 1985

ORDINANCE NO. 2311 -C.S.

AN ORDINANCE AMENDING SECTION 10-2.807 AND SECTION 10-2.3502 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO THE ZONING AND SIGN REGULATIONS, RESPECTIVELY, REGARDING HOT AIR BALLOONS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.807 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.807. OUTDOOR DISPLAY, SALES AND PROMOTIONS.

- (a) Outdoor display or sale of goods or services is permitted for those uses which are customarily conducted outdoors as determined by the Planning and Community Development Director. Examples of such uses are nurseries, service stations and car lots. As used in this section, "outdoor" shall mean all areas that are not enclosed on all four (4) sides by a building wall or other permanent view-obscuring wall or fence.
- (b) Outdoor display or sale of goods or services by all other uses shall be limited to three (3) times in number during any twelve (12) month period for each business subject to these conditions:
 - (1) All sales shall be conducted by a business located on the property.
 - (2) All merchandise or services displayed outdoors shall be of the same types ordinarily sold indoors at the business conducting the sale.
 - (3) Each display or sale shall be limited to a maximum of three (3) consecutive days.
 - (4) No display shall encroach on a public right-of-way.
 - (5) All displays shall be subject to the sign regulations of this chapter, including Section 10-2.3508(j) which prohibits temporary signs.
 - (6) Prior to any display or sale, a permit for such shall be obtained from the Planning and Community Development Director.

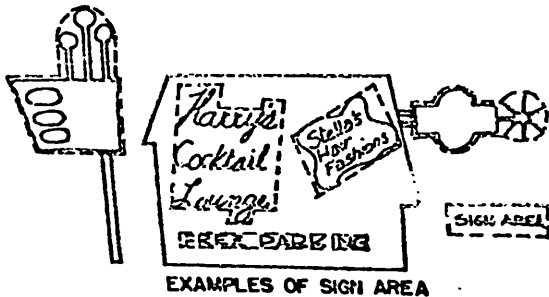
- (c) *Outdoor promotions or events are permitted by a licensed business, merchant association, school, charitable or not-for-profit organization. Promotions or events shall not promote or display the goods or services of any business on the premises and shall be subject to all other limitations in the Modesto Municipal Code, including those governing carnivals, circuses, dances and outdoor sound equipment and noise. Examples of such promotions or events are carnivals, circuses, animal rides, car shows, sporting events, and other exhibitions.*
- (d) Use of a hot air balloon for a promotion or event shall be limited to three (3) times in number during any twelve (12) month period for each business organization.
- (e) Outdoor fund-raising sales by school, charitable or not-for-profit organizations are permitted if the sale is carried on wholly by the organization and it will derive, both directly and indirectly, any and all profits to be derived from the sale. Such sales are not permitted solely by reason of sponsorship by a school, charitable or not-for-profit organization.
- (f) Outdoor display or sale of goods or services by itinerant vendors as defined by the Modesto Municipal Code is prohibited.

SECTION 2. AMENDMENT OF CODE. Section 10-2.3502 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.3502. DEFINITIONS.

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

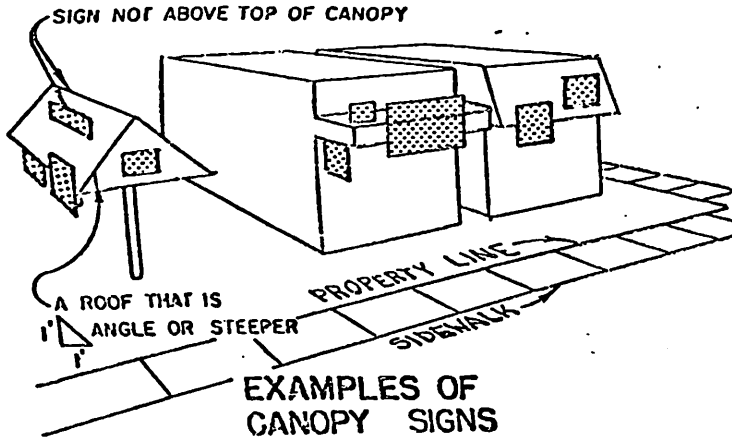
- (a) "Area of a Sign" shall mean the entire area within a single continuous perimeter enclosing the extreme limits of all elements such as boards or frames, perforated or solid backgrounds, ornamental embellishments, writings, representations, emblems or any figures or similar characters, including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



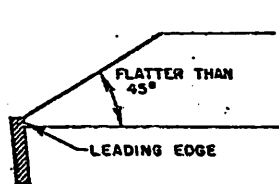
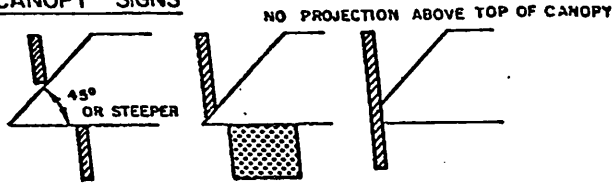
Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except where two (2) such faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one face if the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

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

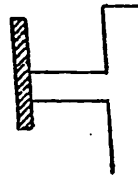
- (d) "Canopy" shall mean a roof of a building or a fixed overhead shelter used as a roof, which may or may not be attached to a building and which does not encroach into nor overhang a public street or alley right-of-way.
- (e) "Canopy Sign" shall mean a sign attached to or hung from a canopy and which:
- (1) is mounted in a vertical plane.
 - (2) is mounted parallel to the leading edge of a canopy except for an under canopy sign which may be mounted at an angle to the leading edge of a canopy.
 - (3) does not project above the top of the canopy when mounted on a canopy with a slope of forty-five (45°) degrees (one (1) horizontal to one (1) vertical) or steeper, and which may be mounted anywhere on the slope.
 - (4) does not project above the leading edge of the canopy when mounted on a canopy with a slope flatter than forty-five (45°) degrees.
 - (5) on a flat canopy (no slope), projects above the top of the canopy but does not project higher than the wall of the building to which the canopy is attached.



CANOPY SIGNS



NO PROJECTION ABOVE RIDGE-LINE

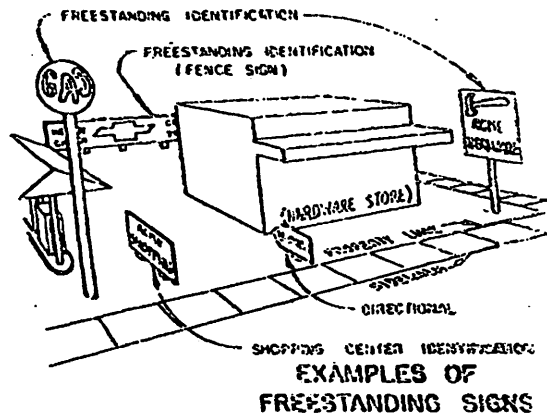


MARQUEE SIGNS

ANY OF THE ABOVE SIGNS THAT OVERHANG A PUBLIC STREET OR ALLEY IN PART OR IN TOTAL.

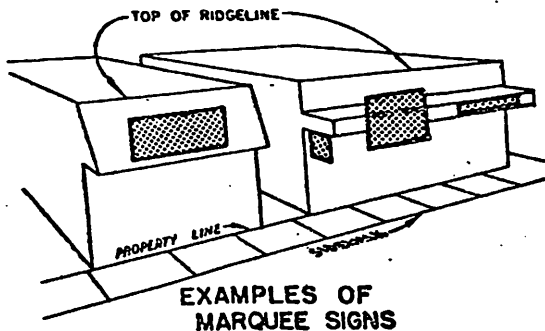
SIGNS ON CANOPIES, ROOFS, MARQUEES

- (f) "Construction Sign" shall mean a sign with the names of the architects, engineers, contractors, subcontractors and financing agencies of buildings and structures being constructed upon the premises on which the sign is located.
- (g) "Corporate Flag" shall mean a flag identifying a business or firm.
- (h) "Directional Sign" shall mean one of two (2) types of signs. An exterior directional sign shall mean a sign oriented to a street and used to direct and control pedestrian or vehicular traffic and located on the same lot or premises as the use which it is intended to serve. An interior directional sign shall mean a directional, warning, or informational sign not bearing any advertising message readable from any street right-of-way. It shall be located on the same lot or premises as the use which it is intended to serve.
- (i) "For Sale or Rent Sign" shall mean a sign advertising that the subject building or real property or portion thereof is for sale, rent or lease.
- (j) "Freestanding Sign" shall mean a sign detached from any building or structure, and the supports of which are permanently affixed in the ground.



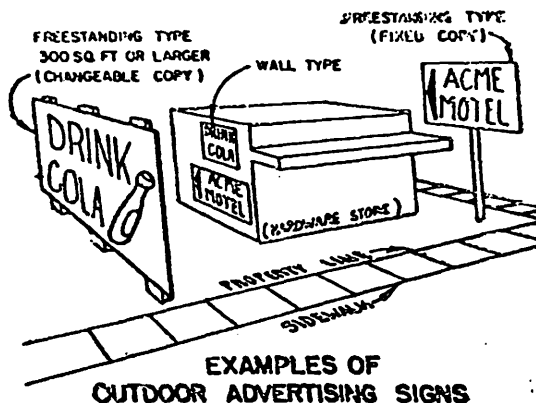
- (k) "Garage Sale Sign" shall mean a sign which is used to advertise the sale of used or second-hand goods or merchandise at dwellings and on residentially zoned property; such sales are also commonly known as patio sales, yard sales, etc.

- (1) "Height" shall mean the vertical distance from the highest point used in measuring the area of a sign to the top of curb of the street at a point which is closest to the highest point of the sign.
- (m) "Hot Air Balloon" shall mean a balloon that is filled with heated air, has a gondola, and is capable of rising and floating in the atmosphere with people aboard."
- (n) "Identification Sign" shall mean any sign which is used to identify or advertise the occupant of a building, lot or premises or the merchandise or activity available at the building, lot or premises where the sign is located.
- (o) "Lighted Sign" shall mean any sign which is illuminated either directly or indirectly by artificial light.
- (p) "Marquee" shall mean a fixed overhead shelter used as a roof, which may or may not be attached to a building, and which projects into or overhangs a public street or alley right-of-way.
- (q) "Marquee Sign" shall mean a sign attached to or hung from a marquee and which:
- (1) is mounted in a vertical plane.
 - (2) is mounted parallel to the leading edge of a marquee, except for an under marquee sign which may be mounted at an angle to the leading edge of a marquee.
 - (3) does not project higher than the wall of the building to which the marquee is attached.



- (r) "Open House Directional Sign" shall mean a sign with the words "Open House" and may include an arrow or other directional symbol and real estate office name.
- (s) "Outdoor Advertising Sign" shall mean any of the following:

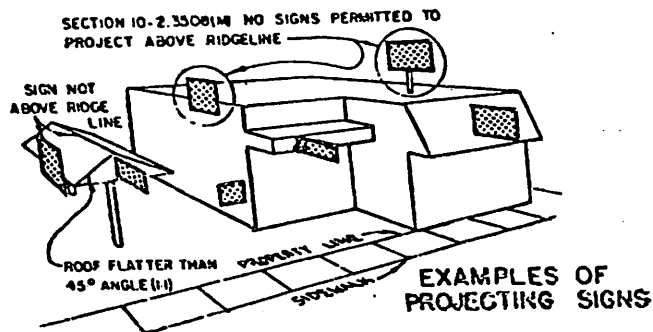
- (1) Commercial: Any sign, excepting a bench sign, that directs attention to a business, profession, product, commodity, or mercantile-oriented service that is not the primary business, profession, product, commodity or mercantile-oriented service sold, manufactured, conducted, or offered on the site on which the sign is located.



- (2) Noncommercial: Any sign, excepting a bench sign, which does not direct attention to a business, profession, product, commodity or mercantile-oriented service. This includes but is not limited to any sign expressing a personal, political, religious or social message, idea or point of view.
- (t) "Political Sign" shall mean any impermanent sign or advertising device or display, with or without letters, words, numbers or figures thereon, which is designed to advertise a candidate for political office, a political party, or a measure scheduled for an election.
- (u) "Principal Frontage" shall mean that wall of a building or structure which has frontage on a public street, highway, parking lot, walkway or mall and which is designated by the owner or occupant thereof as the principal frontage of said building or structure for the purposes of Section 10-2.3510(a)(4) of these regulations.

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

- (1) Any sign attached to and projecting from the face of a wall, canopy, or marquee.
- (2) Any sign mounted on a canopy roof or building roof that has a slope flatter than a forty-five (45°) degree angle (one (1) horizontal to one (1) vertical).



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

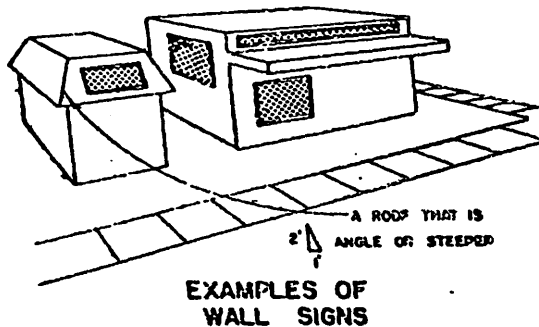
(x) "Sign" shall mean any structure, device, letter, figure, character, poster, picture, trademark or reading matter which is used or designed to announce, declare, demonstrate, display or otherwise identify or advertise, or attract the attention of the public. However, a sign shall not include the following:

- (1) Official notices authorized by a court, public body or public officer.
- (2) Directional, warning or informational signs authorized by federal, state or municipal authority or public utility.
- (3) A properly displayed official flag of a government, school, religious group, or non-profit organization.

- (4) A memorial plaque, tablet or cornerstone indicating the name of a building and date of construction, when cut or carved into any masonry surface or when made of bronze or other incombustible material and made an integral part of the building or structure, not to exceed four (4) square feet in area.
 - (5) Signs within a building except window or wall signs as hereinafter defined.
 - (6) Christmas decorations and Christmas lights, from November 15 to January 15.
 - (7) Hot air balloon.
- (y) "Subdivision Sign" shall mean a sign indicating the name of a recorded subdivision, the name of the contractor or subdivider, the name of the owner or agent, and/or giving information regarding directions, price and/or terms.
- (z) "Subdivision Directional Sign" shall mean a sign indicating the name of a recorded subdivision and information regarding location. The name of the contractor or subdivider, the name of the owner or agent and/or information regarding price and/or terms may also be noted.
- (aa) "Temporary Sign" shall mean any banner, pennant, valance, balloon, streamer, placard, "A" frame, sandwich board or similar impermanent sign or advertising device or display with or without letters, words, numbers or figures thereon which directs, promotes service or price, or which is otherwise designed to attract attention, except for the following:
- (1) For Sale or Rent Sign.
 - (2) Garage Sale Sign.
 - (3) Open House Directional Sign.
 - (4) Political Sign.
 - (5) Signs for fireworks stands, pumpkin sales, Christmas tree sales lots, and temporary certified farmers' markets.
 - (6) Window Sign.
 - (7) Corporate Flag.

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

- (ab) "Wall" shall mean any wall or element of a wall or any member or group of members, which defines the exterior boundaries or courts of a building or structure and which has a slope steeper than one (1) horizontal to two (2) vertical, with the horizontal plane.
- (ac) "Wall Sign" shall mean any sign painted on, attached to or erected against the wall of a building with the exposed face of the sign in a place approximately parallel to the plane of the wall and which does not project beyond the top or ends of the wall. "Wall Sign" shall also mean any sign permanently displayed on the inside or outside of a window.



- (ad) "Window Sign" shall mean any sign temporarily displayed on the inside of a window or temporarily painted on a window and facing a street, highway, parking lot, walkway or mall.
- (ae) "Zone" shall mean one of the various classes of areas into which the City has been divided by this chapter.

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

SECTION 4. PUBLICATION. 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 12th day of February, 1985, 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

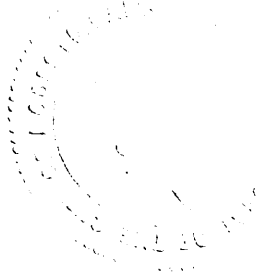
ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of February, 1985, 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:** Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
- NOES: Councilmembers:** None
- ABSENT: Councilmembers:** Bright

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 28, 1985

ORDINANCE NO. 2312-C.S.

AN ORDINANCE AMENDING SECTION MAP 20-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (QUARESMA)

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

SECTION 1. ZONING CHANGE. Section 20-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, Medium High Density Residential Zone, R-3, Neighborhood Commercial Zone, C-1 and a portion of P-D(118) to Planned-Development Zone, P-D(368):

All that certain real property situate in a portion of the Northwest Quarter of the Southwest Quarter of Section 20, 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:

C-1 to P-D

Parcel B as per Parcel Map filed March 6, 1967 in Volume 3 of Parcel Maps at page 13, Stanislaus County Records.

Excepting therefrom the most Eastern 20 feet of the above described Parcel B.

Also excepting therefrom the most Southern 20 feet of the most Western 105 feet of the above described Parcel B.

Including the Southern 30 feet of Roseburg Avenue and the Eastern 45 feet of Tully Road immediately adjacent to the above described portion of said Parcel B.

R-3 to P-D

The most Southern 20 feet of the most Western 105 feet of Parcel B as per Parcel Map filed March 6, 1967 in Volume 3 of Maps at page 13, Stanislaus County Records.

Including the Eastern 45 feet of Tully Road immediately adjacent to the above described portion of said Parcel B.

R-1 to P-D

The most Eastern 20 feet of Parcel B as per parcel map filed March 6, 1967 in Volume 3 of Parcel Maps at page 13, Stanislaus County Records.

Including the Southern 30 feet of Roseburg Avenue immediately adjacent to the above described portion of said Parcel B.

Portion P-D(118) to P-D

Lot 13 - Block 843, Quaresma Tract No. 2 filed July 6, 1976 in Volume 26 of Maps at page 12, Stanislaus County Records.

Including the Eastern 45 feet of Tully Road immediately adjacent to the above described Lot 13.

SECTION 2. USES. The following uses shall be permitted in said P-D(368) 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:

Phase I - A C-1 commercial/office building and accessory parking area.

Phase II - A business/professional office complex and accessory parking area.

SECTION 3. ZONING MAP. Section Map 20-3-9 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 19th day of February, 1985, 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: Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Bright

APPROVED:


PEGGY MENSINGER, Mayor

ATTEST:

By


NORRINE COYLE, City Clerk

(SEAL)

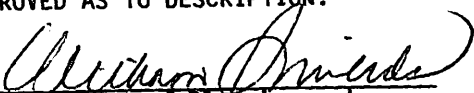
APPROVED AS TO FORM:

By


ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By


Department of Planning and
Community Development

Ordinance 2312 C.S.

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

Ord. No. 2312-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of February, 1985, 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: Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Bright

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Morrine Coyle
MORRINE COYLE, City Clerk

EFFECTIVE DATE:

March 28, 1985