

ORDINANCE NO. 2398 -C.S.

AN ORDINANCE AMENDING SECTIONS 12-5.01, 12-5.02, 12-5.03, 12-5.04, 12-5.05, 12-5.06, 12-5.08 AND 12-5.09 OF CHAPTER 5 OF TITLE XII OF THE MODESTO MUNICIPAL CODE RELATING TO STREET TREES.

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

SECTION 1. AMENDMENT OF CODE. Sections 12-5.01, 12-5.02, 12-5.03, 12-5.04, 12-5.05, 12-5.06, 12-5.08 and 12-5.09 of Chapter 5 of Title XII of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 12-5.01. DEFINITIONS.

For the purpose of this Chapter the words and phrases used herein shall have the following meaning unless the context shows a different meaning:

- (a) "Department" shall mean the Parks and Recreation Department.
- (b) "Director" shall mean the Director of Parks and Recreation.
- (c) "Street Tree Plan" shall mean an official adopted plan for the planting of certain varieties of trees in public rights-of-way or planting easements within the City.
- (d) "Official Street Trees" shall be those specified in the Street Tree Plan.
- (e) "Right-of-way" shall mean that portion of the public street right-of-way between the curb, or curb line, and the adjacent property line used for the purpose of planting and maintaining city street trees.
- (f) "Planting Easement" shall mean that portion of land made available as a public easement for the purpose of planting and maintaining city street trees.
- (g) "Maintain" or "Maintenance," when used in reference to street trees, shall mean and include pruning, spraying, mulching, fertilizing, cultivating, supporting, treating for disease or injury, promoting public safety, or any other similar act which promotes the life, growth, health or beauty of street trees not to include the control of vertebrate pests.

- (h) "Street Tree" shall mean any tree whose center of trunk at ground level is within the right-of-way or planting easement.

SEC. 12-5.02. STREET TREE PLAN.

The Parks and Recreation Department, in cooperation with the Department of Planning and Community Development, shall prepare or have prepared a Street Tree Plan. Such plan, when approved by the City Manager, shall be submitted to the Planning Commission which shall review said plan and submit its recommendations thereon to the Council. After making any revisions thereto which it may deem advisable, the Council shall adopt such plan by resolution. The Director shall, from time to time, recommend any revisions thereto. Amendments to the plan shall be made in the same manner as the original adoption. Said plan shall include the types, varieties, and locations of street trees to be planted. Said plan shall include type of trees to be planted in commercial, industrial and neighborhood zones. The types of trees shall be divided into general varieties which may be modified at the discretion of the Director.

SEC. 12-5.03. RESPONSIBILITIES, DUTIES AND AUTHORITY OF THE DIRECTOR.

The Director, under the general supervision of the City Manager, shall have the authority and responsibility to do the following:

- (a) Carry out the provisions of this Chapter.
- (b) Remove or replace any tree located within a planting right-of-way or easement, in accordance with the provisions of this Chapter.
- (c) Enter in or upon any part of a right-of-way or easement or adjacent property as is reasonably necessary for the purpose of planting and maintaining street trees.

SEC. 12-5.04. PLANTING AND MAINTENANCE.

- (a) Except as otherwise provided in this section, within the limits of funds provided in the City budget, the City will supply, replace, and plant approximately one tree per lot, excepting corner lots, where 2-3 trees will be planted, and maintain street trees in all rights-of-way and planting easements within the City.
- (b) Fees shall be charged to provide the cost of furnishing, locating, planting and fertilizing street trees as provided in Section 4-4.803.1 of Article 8 of Chapter 4 of Title IV of this Code.

- (c) The City, by mutual agreement, may provide and plant street trees in subdivisions outside of the City at a fee to be established by resolution of the Council, which fee shall not be less than that charged within the City.
- (d) No maintenance of street trees will be provided by the City in areas not within the City except by special agreement nor on privately owned property except in rights-of-way or public planting easements.
- (e) The property owner or occupant, as the case may be, shall be responsible for watering street trees located in rights-of-way or easements abutting said property.
- (f) This section shall not prevent any person, firm or public utility from installing and maintaining any overhead wires or underground pipes or conduits lawfully on, over or under public streets or public rights-of-way, subject to the provisions and requirements of Chapter 4 of Title IV of this Code. The Director, when reviewing plans for planting, maintenance or removal of street trees shall consider the effect upon existing overhead wires or underground pipes or conduits and shall avoid unnecessary disturbance to or relocation of said facilities.

SEC. 12-5.05. REMOVAL AND MAINTENANCE.

- (a) The Director shall be responsible for inspection, maintenance, removal and replacement of street trees planted within rights-of-way or easements. The Director may cause street trees or other plant material planted in a right-of-way or easement to be removed by the City if they are deemed by the Director to be unhealthy, hazardous, undesirable or causing excessive damage to existing public improvements, or street trees.
- (b) The Director shall have the authority to require property owners to take such action as is necessary to control insects, scales, parasites, fungus, and other injurious pests or plant material that would cause serious injury to street trees and other plant material within the City. The City shall notify the property owner in writing, describing the conditions and stating the control necessary to correct the condition, and establishing a reasonable time within which the corrective steps shall be taken.
- (c) The Director shall have the authority to require property owners to remove or prune any privately planted tree, shrub, vine, or other plant material if it is determined by the Director to be seriously interfering with the growth and health of any street tree.

- (d) In the event a property owner desires to remove a tree from the right-of-way or easement abutting his property, he or his authorized agent shall make application to the Department. The Director shall determine whether or not such tree is required to be retained in order to preserve the intent and purpose of the Street Tree Plan. In making his determination, the Director shall consider the inconvenience or hardship which retention of the tree would cause the property owner, and consider also the condition, age, desirability of variety and location of the tree. If the Director finds that the tree may be removed without violating the intent and spirit of the Street Tree Plan, he may authorize the property owner to remove such tree at his own expense and liability. If a permit is granted for removal of a street tree, all removal work shall be completed within sixty (60) days from the date of issuance of the permit, and shall be under the general supervision of, and in accordance with, rules established by the Director. All tree stumps shall be removed to a depth specified by the Director. All removal permits shall be void after the expiration of sixty (60) days from the date of issuance, unless extended by the Director.

SEC. 12-5.06. PROTECTION.

- (a) No person shall remove, trim, prune, spray, or cut any above or below ground portions of any street tree in a right-of-way or easement without first obtaining permission from the Director.
- (b) No person shall interfere or cause any person to interfere with any work being done under the provisions of this Chapter by any employee of the City, or by any person or firm doing work for the City or under a permit granted by the City.
- (c) No person shall interfere or cause anyone to interfere with or damage any overhead wires or underground pipes or conduits while removing, trimming, pruning, spraying, or cutting any street trees in a right-of-way or easement. The owner of such facilities shall be notified when such work may interfere with or cause damage to the facilities. The cost of repair of the damage to overhead wires, underground pipes or conduits shall be the responsibility of the person, firm or corporation doing or causing the work to be done. The City of Modesto and its officers and employees shall be exempt from the provisions of this subsection.

- (d) It shall be unlawful for any person to injure or destroy by any means any tree planted or maintained by the City in rights-of-way or easements, including, but not limited to, the following:
- (1) Constructing a concrete sidewalk or driveway or otherwise filling up the ground around any street tree so as to shut off air or water from its roots.
 - (2) Piling building materials, equipment, or other substance around any tree.
 - (3) Pouring any deleterious material on any tree or on the ground near any tree.
 - (4) Posting any sign, poster, notice, or other object on any tree, tree stake or guard, or fastening any guy wire, cable, rope, nails, screws, or other device to any tree, tree stake or guard.
 - (5) Causing or encouraging any fire or burning near or around any tree.
 - (6) Using any mechanical weeding device against a tree.
 - (7) Constructing retaining walls, fences, or other similar improvements which prohibit the planting or maintaining of street trees or otherwise affect their growth.
 - (8) Operating construction equipment in such a manner to cause it to contact the tree.
 - (9) Disrupt the anchorage of the tree or change the grade around the tree.
- (e) No person shall plant a tree or other plant material in a right-of-way or easement other than lawn or other similar planting materials, unless approved by the Director.

SEC. 12-5.08. COOPERATION WITH OTHER DEPARTMENTS AND AGENCIES.

- (a) The Engineering Services Department shall notify the Parks and Recreation Department of any applications for new curb, gutter, sidewalk or driveway installation, or other improvement which might require the removal of or cause injury to any street tree, or interfere with the fulfillment of the Street Tree Plan.
- (b) Any public utility maintaining any overhead wires or underground pipes or conduits shall obtain permission from

the Director before performing any maintenance to said wires, pipes, or conduits, which would cause injury to street trees. Said public utility shall in no way injure, deface, prune, or scar any street tree until their plans and procedures have been approved by the Director.

- (c) The Director shall be permitted to inspect any and all maintenance or operational work performed by public utilities which might affect street trees. During the performance of said work, if in the opinion of the Director, it would cause excessive or unnecessary injury to any street tree, the Director shall have the authority to stop said maintenance and operational work and arrange with said public utility another method of maintenance or operational work satisfactory to the City.
- (d) The provisions of subsections (b) and (c) of this section shall not apply to emergency public utility maintenance work which is performed during nonworking hours for City personnel.

SEC. 12-5.09. LIABILITY.

Nothing in this Chapter shall impose any liability upon the City, or members of the Council, or any of its officials or employees, nor relieve the owner or occupant of any private property from the duty to keep his private property, sidewalks, and rights-of-way abutting such private property in a safe condition, free from hazards to public use.

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 7 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: Lang, McGrath, 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 14th day of January, 1986, 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: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 13, 1986

ORDINANCE NO. 2399 -C.S.

AN ORDINANCE AMENDING SECTION 10-1.201 OF ARTICLE 2 OF CHAPTER 1 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO THE BOARD OF ZONING ADJUSTMENT.

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

SECTION 1. AMENDMENT OF CODE. Section 10-1.201 of Article 2 of Chapter 1 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-1.201. CREATION.

The Board of Zoning Adjustment of the City of Modesto is hereby created to consist of seven (7) members appointed in accordance with and for the terms prescribed by Section 1102 of the Charter. One (1) member shall be appointed from members of the Commission.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation on and after March 1, 1986.

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 7 day of January, 1986, 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: Lang, McGrath, 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 14th day of January, 1986, 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: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 13, 1986

ORDINANCE NO. 2400 -C.S.

AN ORDINANCE AMENDING SECTION MAP 24-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (THE LAND FUND GROUP)

WHEREAS, a verified application for an amendment to Section 24-3-8 of the Zoning Map was filed by The Land Fund Group on November 6, 1985, 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 December 16, 1985, 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. 85-229, adopted on December 16, 1985, the Planning Commission recommended to the Council that the application of The Land Fund Group to amend Section 24-3-8 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 January 21, 1986, 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 for the following reasons:

1. The requested R-2 zoning is consistent with the Woodland Neighborhood Zoning and Development Plan.
2. Development to R-2 density and standards will be compatible with existing and potential uses in the area.

SECTION 2. ZONING CHANGE. Section 24-3-8 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1 to Medium Density Residential Zone, R-2:

All that certain property situate in Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, described as follows:

Beginning at the west quarter corner of said Section 24, said point being the intersection of Blue Gum Avenue and Morse Avenue; thence North 88°34'00" East along the centerline of Blue Gum Avenue a distance of 510.00 feet; thence South 0°58'40" East, 275.00 feet; thence South 88°34'00" West, 130.00 feet; thence South 0°58'40" East, 175.00 feet; thence South 88°34'00" West, 380.00 feet to the west line of said Section 24; thence North 0°58'40" West along said west line a distance of 450.00 feet to the true point of beginning.

Containing 5.00 acres.

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

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

SECTION 5. PUBLICATION. 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 21 day of January, 1986, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, 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 David
Department of Planning and
Community Development

Ordinance 2400 C.S.
Exhibit A – Map

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28th day of January, 19 86, Councilmember Sutton 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: Lang, McGrath, Muratore, Patterson, Sutton,
Acting Mayor Whiteside
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Mayor Mensinger

APPROVED *Carol G. Whiteside*
~~MAYOR PEGGY MENSINGER~~
ACTING MAYOR CAROL G. WHITESIDE

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 27, 1986

ORDINANCE NO. 2401 -C.S.

AN ORDINANCE AMENDING SECTIONS 7-3.108, 7-3.108.3 AND 7-3.108.4 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE; AND REPEALING SECTION 7-3.108.5 THEREOF RELATING TO MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD.

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

SECTION 1. AMENDMENT OF CODE. Sections 7-3.108, 7-3.108.3 and 7-3.108.4 of Chapter 3 of Title VII of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 7-3.108. INSURANCE REQUIREMENTS: COMMERCIAL AIRCRAFT.

- (a) All scheduled commercial aircraft owners or operators permitted use of Modesto City-County Airport/Harry Sham Field for the purposes of transporting passengers and/or freight shall be required to file a Certificate of Insurance with the City Clerk, evidencing that said owner or operator has in full force and effect a policy of public liability insurance, with combined single limits of Ten Million Dollars (\$10,000,000.00) for bodily injury, sickness and disease, including death resulting therefrom, and for property damage. Said policy shall include passenger liability coverage in an amount not less than One Hundred Thousand Dollars (\$100,000.00) per passenger seat.
- (b) All commercial aircraft owners or operators (except scheduled commercial aircraft operators referred to in subsection (a) above) permitted use of the Modesto City-County Airport/Harry Sham Field for any commercial purposes shall be required to file a Certificate of Insurance with the City Clerk, evidencing that said owner or operator has in full force and effect a policy of public liability insurance, with combined single limits of One Million Dollars (\$1,000,000.00) for bodily injury, sickness and disease, including death resulting therefrom, and for property damage. Said policy shall include passenger liability coverage in an amount not less than One Hundred Thousand Dollars (\$100,000.00) per passenger seat.

- (c) All scheduled commercial aircraft owners or operators permitted use of Modesto City-County Airport/Harry Sham Field for the purposes of transporting passengers and/or freight and who employ one (1) or more persons to perform any work, function or service within the Airport premises shall be required to file with the City Clerk a certificate of Workers' Compensation Insurance (including Employer's Liability Insurance) or in lieu thereof, a Self-Insured Certificate issued by the State of California pursuant to the State of California Workers' Compensation laws.

SEC. 7-3.108.3. INSURANCE REQUIREMENTS: FIXED BASE OPERATORS.

- (a) All fixed base operators situated at Modesto City-County Airport/Harry Sham Field shall be required to file a Certificate of Insurance with the City Clerk, evidencing that said fixed base operator has in full force and effect a policy of public liability insurance, with combined single limits of One Million Dollars (\$1,000,000.00) for bodily injury, sickness and disease, including death resulting therefrom, and for property damage. Said policy is to be a comprehensive form covering, but not limited to: General Liability, Automobile Liability, Products Liability (completed operations), Contractual Liabilities, and Hangar Keepers' Liability. The Hangar Keepers' Liability Coverage shall be in an amount not less than the value of the most valuable single aircraft under the fixed base operator's care, custody and control, and in an aggregate amount not less than the total value of all aircraft under the fixed base operator's care, custody and control, which amounts are to be agreed upon in writing by the Airport Manager and the fixed base operator.
- (b) All aircraft operators and fixed base operators situated at Modesto City-County Airport/Harry Sham Field who employ one (1) or more persons to perform any work, function or service within the airport premises shall be required to file with the City Clerk a certificate of Workers' Compensation Insurance (including Employer's Liability Insurance), or in lieu thereof, a Self-Insured Certificate issued by the State of California pursuant to the State of California Workers' Compensation laws.

SEC. 7-3.108.4. INSURANCE MAINTENANCE REQUIREMENTS.

All users of Modesto City-County Airport/Harry Sham Field required to maintain insurance coverage pursuant to Section 7-3.108 through Section 7-3.108.3 shall provide and maintain such insurance coverage throughout the period of use of the Airport premises/facilities, in form and content approved by the City of Modesto. Any policy of insurance, or Certificate of Insurance (except Workers' Compensation Insurance Certificates) evidencing such policy, required by Section 7-3.108 through Section 7-3.108.3, shall contain contractual liability coverage covering any liability assumed by the insured under the terms of any agreement with the City of Modesto for use of Airport premises/facilities. Any policy of insurance, or Certificate of Insurance evidencing such policy, required by Section 7-3.108 through Section 7-3.108.3, shall provide for written notice to be filed with the City Clerk thirty (30) days in advance of a policy cancellation, nonrenewal or any material change in policy coverage and/or content, except where insurance coverage is provided pursuant to Section 7-3.108.2, the policy of insurance or Certificate of Insurance shall provide for written notice to be filed with the City Clerk at least ten (10) days in advance of a policy cancellation, nonrenewal or any material change in policy coverage and/or content.

SECTION 2. REPEAL. Section 7-3.108.5 of Chapter 3 of Title VII of the Modesto Municipal Code is hereby repealed.

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

SECTION 4. PUBLICATION. 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 21 day of January, 1986, 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: Lang, McGrath, 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 28th day of January, 1986, Councilmember Sutton 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: Lang, McGrath, Muratore, Patterson, Sutton,
Acting Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED *Carol G. Whiteside*
~~MAYOR PEGGY MENSINGER~~
ACTING MAYOR CAROL G. WHITESIDE

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 27, 1986

ORDINANCE NO. 2402-C.S.

AN ORDINANCE GRANTING THE APPEAL OF JOHN B. HINCHEY, OF GRACEADA MANSION PARTNERSHIP, TO THE DECISION OF THE PLANNING COMMISSION AND AMENDING SECTION 29-3-9 OF THE ZONING MAP TO REZONE FROM R-3 TO P-0, PROPERTY LOCATED AT THE NORTHEAST CORNER OF POPLAR AVENUE AND NEEDHAM STREET.

WHEREAS, a verified application for an amendment to Section 29-3-9 of the Zoning Map was filed by John B. Hinchey, of Graceada Mansion Partnership, on December 2, 1985, to reclassify from Medium-High Density Residential Zone, R-3, to Professional Office Zone, P-0, property located at the northeast corner of Poplar Avenue and Needham Street as hereinafter described, and

WHEREAS, a public hearing was held by the Planning Commission on January 6, 1986, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after considering said evidence, the Planning Commission found and determined that rezoning of the property as requested is not required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 86-8, and

WHEREAS, an appeal to the decision of the Planning Commission's denial of the request to rezone the property from Medium-High Density Residential Zone, R-3, to Professional Office Zone, P-0, property located at the northeast corner of Poplar Avenue and Needham Street, was filed with the Office of the City Clerk by John B. Hinchey, of Graceada Mansion Partnership, by letter dated January 8, 1986, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 7:30 p.m. on January 28, 1986, and

WHEREAS, after hearing evidence both oral and documentary the Council found and determined that said appeal to the denial of the Planning Commission's decision of the requested rezoning of the property from Medium-High Density Residential Zone, R-3, to Professional Office Zone, P-0, should be granted for the following reasons and the decision of the Planning Commission should be overruled:

1. The zoning is a transition from downtown commercial to single-family residential.
2. The site is buffered on the north by a City parcel containing a water well site.

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

SECTION 1. APPEAL GRANTED. The appeal of John B. Hinchey, of Graceada Mansion Partnership, to the decision of the Planning Commission denying an amendment to Section 29-3-9 of the Zoning Map to rezone the above described property from Medium-High Density Residential Zone, R-3, to Professional Office Zone, P-0, is hereby granted for the reasons set forth above, and the decision of the Planning Commission denying said rezoning is hereby overruled.

SECTION 2. ZONING CHANGE. Section 29-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium-High Density Residential Zone, R-3, to Professional Office Zone, P-0.

All that certain real property situate in a portion of the Southeast quarter of the Northeast quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lots 15, 16, and 17 in Block 19 of the Wisecarver Addition, according to the official map thereof, filed in the Office of the Recorder of Stanislaus County, California, on March 7, 1907, in Volume 2 of Maps, page 45.

Including also the northern 32.50 feet of original 65.00-foot wide Needham Street and eastern 37.50 feet of Poplar Avenue immediately adjacent to the above described property.

SECTION 3. ZONING MAP. Section 29-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 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 28th day of January, 1986, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

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. Brinkley*
Department of Planning and
Community Development

Ordinance 2402 C.S.
Exhibit A – Map

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 11th day of February, 19 86, 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: Lang, McGrath, 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: March 13, 1986

ORDINANCE NO. 2403-C.S.

AN ORDINANCE AMENDING SECTION MAP 28-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM DENSITY RESIDENTIAL ZONE, R-2, TO PLANNED DEVELOPMENT ZONE, P-D(30), PROPERTY LOCATED AT THE SOUTHWEST CORNER OF COFFEE ROAD AND LUCERN AVENUE (GOULD MEDICAL GROUP).

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

SECTION 1. ZONING CHANGE. Section 28-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(30):

All that portion of Lot 43 of Broughton Colony Tract, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County on March 17, 1904, in Volume 1 of Maps, at page 78, described as follows:

Beginning at the Northeast corner of Section 28, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, thence Northwesterly along the North line of said Section 28, 344.90 feet to the centerline of 50.00 foot wide Milo Street; thence Southerly along said centerline and parallel to the East Section line of said Section 28, 307.50 feet; thence Easterly and parallel to the North line of said Section 28, 162.90 feet; thence Northerly and parallel to the East line of said Section 28, 137.00 feet; thence easterly and parallel to the North line of said Section 28, 182.00 feet to the East line of said Section 28, which is also the centerline of 90.00 foot wide Coffee Road; thence along said centerline and section line, Northerly 307.50 feet, to the Northeast corner of said Section 28 and the point of beginning.

SECTION 2. ZONING MAP. Section Map 28-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 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 4 day of February, 1986, 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: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Altham Brooks
Department of Planning and
Community Development

Ordinance 2403 C.S.
Exhibit A – Map

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 11th day of February, 19 86, 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: Lang, McGrath, 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: March 13, 1986

ORDINANCE NO. 2404-C.S.

AN ORDINANCE AMENDING SECTION MAP 14-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (TRANSWORLD FINANCIAL CORPORATION)

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

SECTION 1. ZONING CHANGE. Section 14-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(396):

R-1 to P-D(396)

Parcel "A" as shown and designated on that certain Parcel Map filed in the Office of the County Recorder of Stanislaus County, California, on December 30, 1977 in Volume 26 of Parcel Maps, at page 48, and being a portion of Lot 9 of the OREGON COLONY, as filed in Volume 4 of Maps, page 48.

Including also, the easterly 50 feet of Oakdale Road adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(396) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) 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 10-2.1709(a) or (b) of the Modesto Municipal Code:

Mini-warehouse storage complex.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February, 1986, 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: Lang, McGrath, 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 Smith*
Department of Planning and
Community Development

Ordinance 2404 C.S.
Exhibit A – Map

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 25th day of February, 19 86, Councilmember Sutton 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: Lang, McGrath, Muratore, Patterson, Sutton, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Whiteside

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 25, 1986

ORDINANCE NO. 2405 -C.S.

AN ORDINANCE AMENDING SECTION MAP 14-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (ARLO HILKEY)

WHEREAS, a verified application for an amendment to Section 14-3-9 of the Zoning Map was filed by Arlo Hilkey on December 5, 1985, to reclassify from Medium High Density Residential Zone, R-3, and Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1, the hereinafter described property, and

WHEREAS, after public hearing held on January 6, 1986, 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. 86-11, adopted on January 6, 1986, the Planning Commission recommended to the Council that the application of Arlo Hilkey to amend Section 14-3-9 of the Zoning Map to reclassify the hereinafter described property from Medium High Density Residential Zone, R-3, and Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on February 11, 1986, 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 14.62-acre, single-family subdivision proposed represents a less intensive land use than if the land were developed in the R-2 and R-3 uses.
2. The low density subdivision would generate less traffic on Floyd Avenue than higher density R-2 and R-3 development of the area.
3. The single-family subdivision proposed will be compatible with existing and potential uses in the area.

SECTION 2. ZONING CHANGE. Section 14-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium High Density Residential Zone, R-3, and Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1:

R-2 to R-1 Zoning

ALL that certain real property situate in a portion of Lots 15 and 16 of the OREGON COLONY, as recorded in Volume 4 of Maps, at Page 48, Stanislaus County Records, and lying in a portion of the North half of Section 14, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, and lying in the City of Modesto, State of California, more particularly described as follows:

COMMENCING at the Northwest corner of Lot 5, as shown on the Official Map of the Hilkey Subdivision, as recorded in Volume 26 of Maps, at Page 43, Stanislaus County Records; said corner lying on the South right-of-way line of Floyd Avenue; thence South 89°33'14" East, 472.75 feet along said South right-of-way line of Floyd Avenue; thence South 0°25'10" East, 1,292.40 feet; thence North 89°33'24" West, 306.65 feet; thence North 0°25'17" West, 45 feet; thence North 89°33'24" West, 166.34 feet; thence North 0°25'17" West, 1247.48 feet to the point of beginning of this description.

Including also, the southerly half of the 40 foot County Road, Floyd Avenue, adjacent to said R-2 property.

R-3 to R-1 Zoning

ALL that certain real property situate in a portion of Lots 15 and 16 of the OREGON COLONY, as recorded in Volume 4 of Maps, at Page 48, Stanislaus County Records, and lying in a portion of the North half of Section 14, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, and lying in the City of Modesto, State of California, more particularly described as follows:

COMMENCING at the Northwest corner of Lot 6 of the Hilkey Subdivision, as recorded in Volume 26 of Maps, at Page 43, Stanislaus County Records, said corner lying on the South right-of-way line of Floyd Avenue; thence South $0^{\circ}25'10''$ East, 1,292.40 feet; thence North $89^{\circ}33'24''$ West 20.59 feet; thence North $0^{\circ}25'10''$ West, 1,292.40 feet to a point on the said South right-of-way line of Floyd Avenue; thence South $89^{\circ}33'14''$ East along the said South right-of-way line of Floyd Avenue, 20.55 feet to the point of beginning of this description.

Including also, the southerly half of the 40 foot County Road, Floyd Avenue, adjacent to said R-3 property.

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

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

SECTION 5. PUBLICATION. 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 11 day of February, 1986, 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: Lang, McGrath, 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 J. ...
Department of Planning and
Community Development

Ordinance 2405 C.S.
Exhibit A – Map

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 25th day of February, 1986, Councilmember Sutton 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: Lang, McGrath, Muratore, Patterson, Sutton, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Whiteside

APPROVED Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 25, 1986

ORDINANCE NO. 2406 C.S.

AN ORDINANCE AMENDING SECTION MAP 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (G.F.F. & R. NO. 2)

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

SECTION 1. ZONING CHANGE. Section 22-3-9 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(394):

R-1 to P-D(394)

All that certain real property situate in a portion of the East half of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, and lying in the City of Modesto, State of California, more particularly described as follows:

COMMENCING at the Southeast corner of Parcel "3", as shown on the Official Map filed in Book 36 of Parcel Maps, at Page 95, Stanislaus County Records, said corner lies on the West right-of-way line of Oakdale Road; thence West 343.0 feet; thence North 0°45'00" West, 182.0 feet; thence East 343.0 feet to a point on the said West right-of-way line of Oakdale Road; thence South 0°27'05" East, continuing along said West right-of-way line of Oakdale Road, 182.0 feet to the point of beginning.

Including also all of that portion of Oakdale Road situated between the above described property and the East line of aforementioned Section 22.

SECTION 2. USES. The following uses shall be permitted in said P-D(394) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) 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 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. Retail and office buildings containing all C-2 Zone uses.
2. Off-street parking as shown on the approved development plan.

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.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 18 day of February, 1986, 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: Lang, McGrath, Muratore, Patterson.

NOES: Councilmembers: Sutton, Whiteside, Mayor Mensinger.

ABSENT: Councilmembers: None.

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Priddy
Department of Planning and
Community Development

Ordinance 2406 C.S.
Exhibit A – Map

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 25th day of February, 1986, 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: Lang, McGrath, Muratore, Patterson

NOES: Councilmembers: Sutton, Mayor Mensinger

ABSENT: Councilmembers: Whiteside

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 25, 1986

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

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 Professional Office Zone, P-0, to Planned Development Zone, P-D(104):

P-0 to P-D(104)

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

All of Parcel 2 as shown on that certain parcel map filed in the Office of the Recorder of Stanislaus County, California, on June 6, 1979, in Volume 29 of Parcel Maps, page 27.

Also including the northern 40.00 feet of Lancey Drive and the western 50.00 feet of Oakdale Road immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in that portion of the P-D(104) Zone lying north of Lancey Drive if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) 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 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. Area North of Lancey Drive: Broadcasting Studio; all other uses allowed in the P-0 Professional Office Zone.
2. Off-street parking as shown on the approved plan.

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 18 day of February, 1986, 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, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger.

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

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

Ordinance 2407 C.S.
Exhibit A – Map

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 25th day of February, 1986, Councilmember Sutton 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: Lang, McGrath, Muratore, Patterson, Sutton, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Whiteside

APPROVED Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 25, 1986

ORDINANCE NO. 2408-C.S.

AN ORDINANCE AMENDING SECTIONS 10-2.502, 10-2.504, 10-2.604, 10-2.903, 10-2.904, 10-2.905, 10-2.1203, 10-2.1204, 10-2.1207, 10-2.1710, 10-2.1806, 10-2.2002, 10-2.2004, 10-2.2008, 10-2.2110, AND 10-2.2315 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO THE ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 10-2.502, 10-2.504, 10-2.604, 10-2.903, 10-2.904, 10-2.905, 10-2.1203, 10-2.1204, 10-2.1207, 10-2.1710, 10-2.1806, 10-2.2002, 10-2.2004, 10-2.2008, 10-2.2110, and 10-2.2315 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.502. PERMITTED USES.

The following are permitted uses:

- (a) One (1) single family dwelling per lot.
- (b) Two (2) single family dwellings or a duplex on any corner lot, provided that the driveway serving the off-street parking for one dwelling unit shall have access to one street and the driveway serving the off-street parking for the other dwelling unit shall have access to another street. If the lot has access to an alley, one or both driveways may access to the alley.
- (c) The provision of lodging and/or boarding to a maximum of three (3) persons by a proprietor who lives on the premises. Lodgers and boarders may use the proprietor's kitchen, but shall not be permitted separate eating, cooking or food storage facilities. Lodging or boarding is not permitted where there are two (2) dwellings on a lot.
- (d) The operation of a bed and breakfast home, provided that not more than two (2) bedrooms may be used for the lodging of guests and that the property owner shall reside on the premises.

addition to members of the family if there is only one (1) dwelling unit on the lot.

- (f) Twenty-four (24) hour care for six (6) or fewer persons in addition to members of the family. Twenty-four (24) hour care is not permitted where there are two (2) dwellings on a lot.
- (g) Child day care for twelve (12) or fewer children in addition to members of the family. Only one (1) day care business is permitted per lot.
- (h) Parks owned and operated by a governmental agency.
- (i) The growing of fruit and nut trees, vines, row crops and horticultural stock.
- (j) A dish-type, satellite antenna, subject to the following conditions:
 - (1) A satellite antenna shall be located at least five (5) feet from the rear lot line and entirely outside of any required front yard and side yard. A satellite antenna shall not be located in the area between a required front yard and the front of a main building on a lot if the satellite antenna will be visible from the front lot line. A satellite antenna shall not be located in the area between a required side-street side yard and a main building on a lot if the satellite antenna will be visible from the side street lot line.
 - (2) A satellite antenna shall not exceed thirteen (13) feet in diameter.
 - (3) A satellite antenna shall be ground-mounted and shall not exceed a height of fifteen (15) feet at the highest point of the antenna.
- (k) Signs subject to the provisions of Article 21.
 - (1) Accessory uses and structures customarily incidental to the above permitted uses.

SEC. 10-2.504. CONDITIONAL USES.

The following uses are permitted upon securing a conditional use permit from the Board:

- (a) Church.
- (b) Public buildings or grounds operated by any governmental agency which are not a permitted use.
- (c) Buildings, facilities or grounds operated by a utility company.
- (d) Private recreational grounds and facilities not open to the general public and to which no admission charge is made.
- (e) Storm drainage basins and related facilities.
- (f) Adult day care for three (3) or fewer persons in addition to members of the family where there are two (2) dwelling units on a lot.
- (g) Adult day care for four (4) or more persons in addition to members of the family if there is only one (1) dwelling unit on a lot.
- (h) Twenty-four (24) hour care for seven (7) or more persons in addition to members of the family. Twenty-four (24) hour care shall not be permitted where there are two (2) dwellings on a lot.
- (i) Child day care for thirteen (13) or more children in addition to members of the family. Only one (1) conditional use permit for child day care is permitted per lot.
- (j) The provision of lodging and/or board to four (4) or more persons by a proprietor who lives on the premises. Lodgers and boarders may use the proprietor's kitchen, but shall not be permitted separate eating, cooking or food storage facilities. Lodging or boarding shall not be permitted where there are two (2) dwellings on a lot.
- (k) A parking area for an immediately adjacent nonresidential use in a nonresidential zone.
- (l) Parochial and private schools.

The following use is permitted upon securing a conditional use permit from the Board:

Any conditional use in the R-1 zone.

SEC. 10-2.903. PLOT PLAN USES BY BOARD.

The following uses are allowed upon securing plot plan approval by the Board:

- (a) Business office (including government office, insurance sales and services, real estate sales and services, stock broker, utility office; excluding retail or wholesale sales, banks, savings and loans and similar financial institutions).
- (b) Medical and dental office or laboratory.
- (c) Pharmacy (excluding manufacture or distribution of pharmaceuticals).
- (d) Professional office (including accountant, architect, attorney, chiropractor, chiropodist, engineer, optometrist, surveyor).
- (e) For nonresidential uses, a dish-type, satellite antenna not meeting the provisions of Section 10-2.902(c) and not larger than thirteen (13) feet in diameter and not exceeding a height of thirty-five (35) feet at the highest point of the antenna.
- (f) For residential uses, a dish-type, satellite antenna, subject to the setback, size, and code requirements for a dish-type, satellite antenna as a permitted use but higher than fifteen (15) feet subject to these conditions:
 - (1) Evidence, satisfactory to the Board, that a low, ground mounting of a satellite antenna will not produce a usable satellite signal.
 - (2) The satellite antenna shall not exceed a height of thirty-five (35) feet at the highest point of the antenna.
 - (3) The satellite antenna shall have rear yard or rear-of-house orientation unless these options preclude a usable satellite signal.

- (4) Evidence, satisfactory to the Board, that available technologies have been explored such as the feasibility of smaller dishes to reduce the visual mass; use of perforated metals, radar mesh, or wire screen to reduce the visual mass; and selection of a subdued flat color to minimize the visual impact. .

SEC. 10-2.904. PLOT PLAN USES BY COMMISSION.

The following uses are allowed upon securing plot plan approval by the Commission:

- (a) Single-family dwelling.
- (b) R-2 and R-3 density multiple-family dwellings.

SEC. 10-2.905 CONDITIONAL USES.

The following uses are allowed upon securing a conditional use permit from the Board:

- (a) Ambulance service.
- (b) Buildings, facilities and grounds of a utility which are not a permitted use.
- (c) Child day care center.
- (d) Church.
- (e) Hospital supply sales.
- (f) Not-for-profit educational or scientific agency.
- (g) Storm drainage basins and related facilities.
- (h) Twenty-four (24) hour care for seven (7) or more persons.
- (i) Veterinary hospital (small animal).
- (j) For nonresidential uses, a dish-type, satellite antenna not meeting the provisions of Sections 10-2.902(c) or 10-2.903(e).

SEC. 10-2.1203. PLOT PLAN USES BY BOARD.

- (a) Subject to plot plan approval by the Board, for nonresidential uses, a dish-type, satellite antenna not meeting the provisions of Section 10-2.902(c) and not larger than thirteen (13) feet in diameter and not exceeding a height of thirty-five (35) feet at the highest point of the antenna.

- (b) For residential uses, dish-type, satellite antenna, subject to the setback, size, and code requirements for a dish-type, satellite antenna as a permitted use but higher than fifteen (15) feet subject to these conditions:
- (1) Evidence, satisfactory to the Board, that a low, ground mounting of a satellite antenna will not produce a usable satellite signal.
 - (2) The satellite antenna shall not exceed a height of thirty-five (35) feet at the highest point of the antenna.
 - (3) The satellite antenna shall have rear yard or rear-of-house orientation unless these options preclude a usable satellite signal.
 - (4) Evidence, satisfactory to the Board, that available technologies have been explored such as the feasibility of smaller dishes to reduce the visual mass; use of perforated metals, radar mesh, or wire screen or reduce the visual mass; and selection of a subdued flat color to minimize the visual impact.

SEC. 10-2.1204. PLOT PLAN USES BY COMMISSION.

The following uses are allowed upon securing plot plan approval by the Commission:

- (a) R-2 and R-3 density multiple-family dwellings.
- (b) Accessory commercial services to serve residents of a permitted residential development.

SEC. 10-2.1207. STANDARDS.

The following standards are guidelines in determining appropriate conditions to apply to any conditional use permit or plot plan approval.

- (a) Nuisances. No operation shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration or electrical interference detectable off the premises.
- (b) Front Yard. Every building shall have a minimum landscaped front yard of fifteen (15) feet. Every parking area shall have a minimum landscaped front yard of ten (10) feet.
- (c) Commercial Side and Rear Yards. No building or structure need have a side or rear yard except as follows:

- (1) On a side street a landscaped yard not less than fifteen (15) feet for buildings and ten (10) feet for parking shall be provided.
 - (2) Whenever the side or rear of a lot is adjacent to property zoned for or developed with residential uses, compatibility between uses shall be maintained. Conditions on setbacks, landscaping, building height, noise baffling or similar measures may be utilized to maintain compatibility. Such side or rear yard shall be a minimum of forty (40) feet.
- (d) Residential Side and Rear Yards. Residential developments shall have side and rear yards as required in the R-2 and R-3 zones.
 - (e) Screening. A solid decorative masonry wall eight (8) feet in height shall be constructed along the boundary separating C-3 commercial uses from adjoining residential or agricultural uses or zones. On the C-3 side of the wall a minimum ten (10) foot planting strip with screen landscaping shall be required. Along a side street boundary, the wall shall be at the side street setback line.
 - (f) Driveways and Accessways.
 - (1) Where a wall is required on the side street of a corner lot, no driveway shall be permitted.
 - (2) Joint use of driveways and accessways, one parcel to another, shall be encouraged to limit driveways on the major street.

SEC. 10-2.1710. CHANGES IN DEVELOPMENT SCHEDULE.

- (a) If there are no changes requested in the conditions of approval in the Council resolution, and the development remains in basic conformance with current standards, the Secretary, upon written request received prior to the date of expiration, may grant a single one (1) year extension to the development schedule. Additional extensions may be granted only by the Commission or Council.
- (b) After a development schedule expires, no building permits shall be issued for the P-D zone unless, upon written request, an extension of the schedule is granted by the Secretary, Commission or Council.

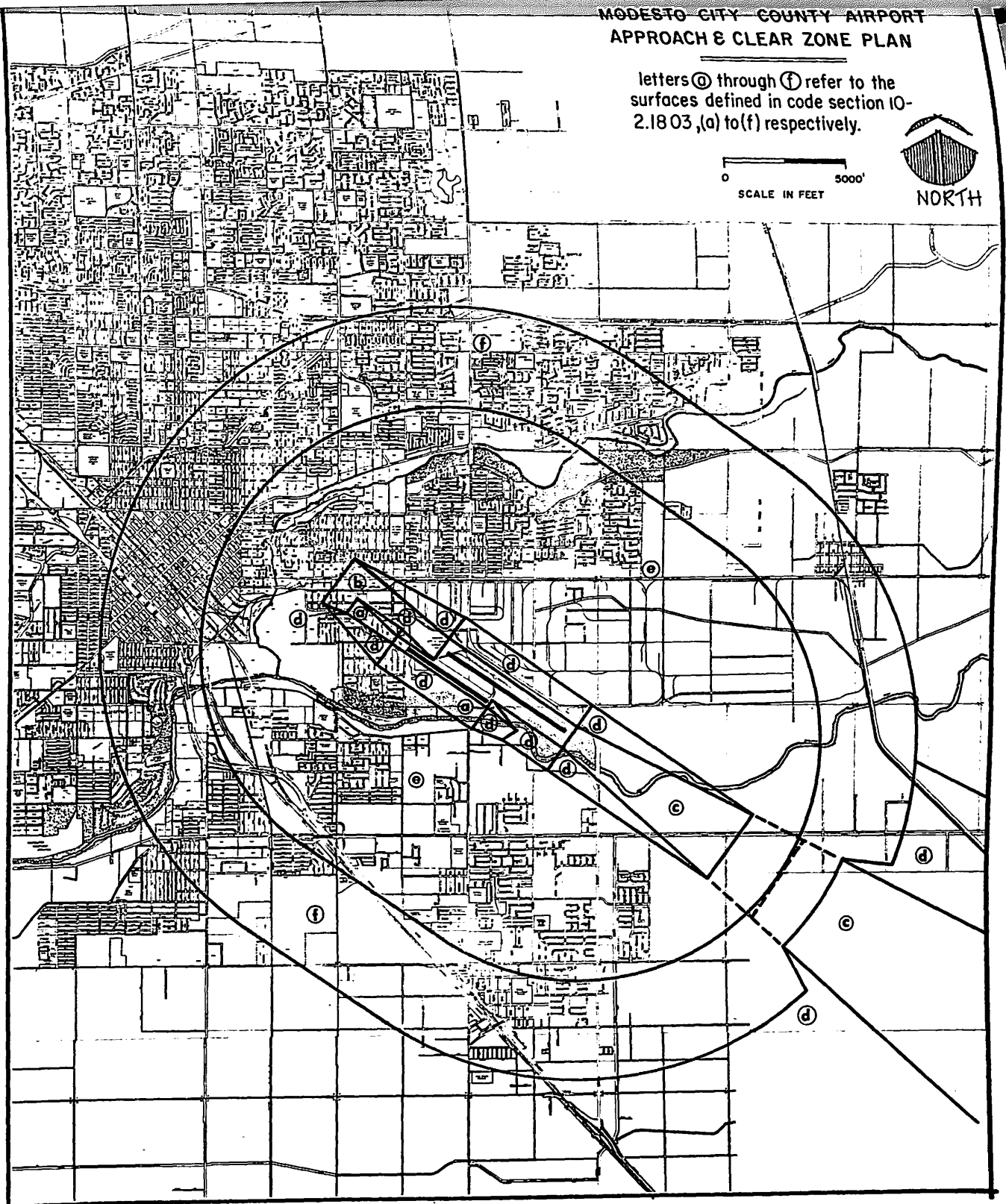
(c) From time to time the Secretary shall review all P-D zones. Those with expired development schedules which have not been completed shall be referred to the Commission. The Commission either may grant an extension to the schedule, or shall initiate proceedings to rezone the property to the zone classification which it held immediately prior to being zoned P-D.

SEC. 10-2.1806. ENFORCEMENT.

- (a) Proposed Uses. No building permit shall be issued for a use of land or to erect, alter, install, or otherwise establish any structure or other object which would not conform to the regulations herein prescribed.
- (b) Existing Uses. No building permit shall be issued that would allow the establishment or creation of an airport hazard or permit a nonconforming use or structure to become a greater hazard to air avigation than it was on July 1, 1977, or on the effective date of any amendment thereto.
- (c) Height Limit For Trees. Any person owning or in possession of real property shall keep all trees trimmed to a height not exceeding any of the height limits set forth herein. Nonconforming trees in existence on July 1, 1977, shall be kept trimmed at their existing height, and if removed or cut back shall not be allowed to grow above said height or the applicable height limit, whichever is higher.
- (d) Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property contrary to the provisions of this Article may apply to the Board of Zoning Adjustment for a variance from such regulations pursuant to the provisions of Article 25 of this Chapter. Any variance granted may be conditioned to require the owner of the structure or tree in question to permit the City of Modesto, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.
- (e) Abatement. Every airport hazard shall be deemed to be a dangerous building or structure subject to the abatement procedure set forth in the Dangerous Building Code adopted by Section 9-8.01 of this Code, except that every airport hazard which is an immediate danger to flying aircraft may be summarily abated. The provisions of this Article may be enforced by either the Airport Manager or the Chief Building Official.

MODESTO CITY COUNTY AIRPORT
APPROACH & CLEAR ZONE PLAN

letters ⓐ through ⓕ refer to the
surfaces defined in code section IO-
2.18 03 ,(a) to (f) respectively.



Except as otherwise provided in this Article, or by the Council, Commission or Board as part of plot plan reviews, rezoning, use permits or other similar applications, the minimum number of required off-street parking spaces shall be:

(a) Residential Uses.

- (1) Unless otherwise provided below, in projects with one (1) to thirty-six (36) dwelling units, two (2) off-street parking spaces shall be provided for each unit. For each additional unit above thirty-six (36), one and one-half (1.5) spaces per unit shall be provided.
- (2) In the R-1 zone where two (2) dwelling units are permitted upon Board approval, three (3) off-street parking spaces are required for the two (2) units.
- (3) In a project, for every dwelling unit utilizing private streets or driveways:
 - (aa) An additional one-half (0.5) space is required for each unit with a one (1) car garage.
 - (ab) One (1) additional space is required for each unit with a two (2) car garage.
- (4) For the purpose of meeting the requirements in (3) that are greater than those in (1), tandem or driveway standard-size spaces may be counted.
- (5) For developments utilizing private streets or driveways, one (1) recreational vehicle parking space shall be provided for every twenty-five (25) dwelling units. For projects with less than twenty-five (25) spaces no such spaces are required. Recreational vehicle spaces shall at a minimum be ten (10) feet wide and twenty-six (26) feet long.

(b) Nonresidential Uses.

- (1) Bar: One (1) for each three (3) seats or one (1) for each sixty (60) square feet of drinking area when the number of seats not known or not permanently fixed.
- (2) Beauty college: Two and one-half (2.5) for each training station.
- (3) Bingo game: One (1) for each four (4) seats.
- (4) Boarding and lodging house, club or fraternity with sleeping rooms: One (1) for each two (2) beds.
- (5) Bowling alley: Four (4) for each lane.
- (6) Child Day Care: One (1) for each five (5) children.
- (7) Church: One (1) for each four (4) seats in the building with the largest capacity.
- (8) Dance hall: One (1) for each fifty (50) square feet of floor area used for dancing.
- (9) Hospital: One and three-quarters (1.75) for each bed.
- (10) Hotel or motel: One (1) for each guest room. Additional spaces for restaurants, meeting facilities and other related uses shall be provided as required.
- (11) Library: One (1) for each three hundred (300) square feet.
- (12) Manufacturing or related use: One (1) for each six hundred (600) square feet.
- (13) Medical or dental office: One (1) for each two hundred (200) square feet.
- (14) Motor vehicle and machinery repair: One (1) for each three hundred (300) square feet.
- (15) Mortuary or funeral home: One (1) for each four (4) seats in the largest room used for services (tandem spaces may be counted).
- (16) Office or service business: One (1) for each three hundred (300) square feet.

- (17) Pool hall: One (1) for each three hundred (300) square feet.
 - (18) Restaurant: One (1) for each three (3) seats or one (1) for each sixty (60) square feet of dining area when the number of seats is not known or not permanently fixed.
 - (19) Retail business: One (1) for each three hundred (300) square feet.
 - (20) Sanitarium, nursing home, home for the elderly or other twenty-four (24) hour care facility: One (1) for each four (4) beds. Additional parking shall be provided as required for a proprietor's dwelling.
 - (21) School for instruction in the arts, athletics, self defense: One (1) for each three hundred (300) square feet.
 - (22) Theatres: One (1) for each four (4) seats.
 - (23) Veterinary hospital: One (1) for each three hundred (300) square feet including animal runs.
 - (24) Warehouse: One (1) for each two thousand (2,000) square feet up to ten thousand (10,000) square feet, one (1) for each five thousand (5,000) square feet after the first ten thousand (10,000) square feet. Parking for a mini-warehouse shall only be required if there is an office or residence included in the project.
 - (25) Wholesale business: One (1) for each three hundred (300) square feet.
- (c) Nonresidential Uses Inside Downtown P-D Zone Area.

- (1) Bar: One (1) for each four (4) seats or one (1) for each sixty (60) square feet of drinking area when the number of seats is not known or not permanently fixed.
- (2) Beauty college: Two and one-half (2.5) for each training station.
- (3) Bingo game: One (1) for each four (4) seats.
- (4) Boarding and lodging house, club or fraternity with sleeping rooms: One (1) for each two (2) beds.
- (5) Bowling alley: Four (4) for each lane.
- (6) Church: One (1) for each five (5) seats in the building with the largest capacity.

- (7) Dance hall: One (1) for each fifty (50) square feet of floor area used for dancing.
- (8) Hospital: One and one-half (1.5) for each bed.
- (9) Hotel or motel: One (1) for each guest room. Additional spaces for restaurants, meeting facilities and other related uses shall be provided as required.
- (10) Library: One (1) for each five hundred (500) square feet.
- (11) Manufacturing or related use: One (1) for each six hundred (600) square feet.
- (12) Medical or dental office: One (1) for each two hundred (200) square feet.
- (13) Motor vehicle and machinery repair: One (1) for each six hundred (600) square feet, with repair space for motor vehicles or machinery not counted as parking spaces.
- (14) Mortuary or funeral home: One (1) for each five (5) seats in the largest room used for services (tandem spaces may be counted).
- (15) Office or service business: One (1) for each five hundred (500) square feet.
- (16) Pool hall: Two (2) for each table.
- (17) Restaurant: One (1) for each four (4) seats or one (1) for each sixty (60) square feet of dining area when the number of seats is not known or not permanently fixed.
- (18) Retail business: One (1) for each five hundred (500) square feet.
- (19) Sanitarium, nursing home, home for the elderly or other twenty-four (24) hour care facility. One (1) for each four (4) beds. Additional parking shall be provided as required for a proprietor's dwelling.
- (20) School for instruction in the arts, athletics, self-defense: One (1) for each five hundred (500) square feet.
- (21) Theatres: One (1) for each five (5) seats.

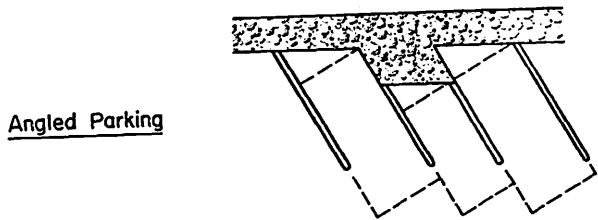
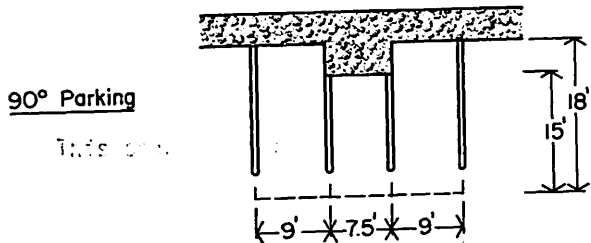
- (22) Veterinary hospital: One (1) for each five hundred (500) square feet including animal runs.
- (23) Warehouse: One (1) for each two thousand (2,000) square feet up to ten thousand (10,000) square feet, one (1) for each five thousand (5,000) square feet after the first ten thousand (10,000) square feet. Parking for a mini-warehouse shall only be required if there is an office or residence included in the project.
- (24) Wholesale business: One (1) for each eight hundred (800) square feet.
- (d) Additional spaces required by expansion, reconstruction or change in use shall be provided in accordance with this Article.
- (e) When the required number of spaces results in a fractional space, it shall be counted as a space if it is one-half (0.5) space or more.
- (f) When a building is removed, any new building on the site shall have spaces provided in accordance with this Article.
- (g) Where there are mixed uses, the requirement for spaces shall be the sum of the requirements for each use.
- (h) The Board may approve joint use of spaces subject to the following:
- (1) A maximum of fifty (50) percent of the requirement for one use may be provided by the spaces for another use if the two (2) uses are open substantially different hours or days of the week.
 - (2) The parking spaces for both uses comply with all other requirements of this Article.
 - (3) If the properties where the use and the required parking are located are owned by different parties, a covenant shall be recorded by the owner of the parking for the benefit of the City and in a form approved by the City Attorney. The covenant shall stipulate that the parking will be maintained as long as the use requiring it continues. It shall also stipulate that the title and right to use the property where the parking is located is subservient to the title to the property where the use is located and that the property will not be made subject to any other covenant or contract for use without prior consent of the Board.

- (i) When the parking requirement for a use is not listed above, or if the procedure for determining the requirement is not specified, the Board shall determine the applicable requirement or procedure.
- (j) When a parking requirement is based on square footage it shall mean gross square footage.
- (k) When a parking requirement is based on number of seats, number of beds or other similar formula, the number shall be as determined by the Director.

SEC. 10-2.2004. PARKING LOT DESIGN.

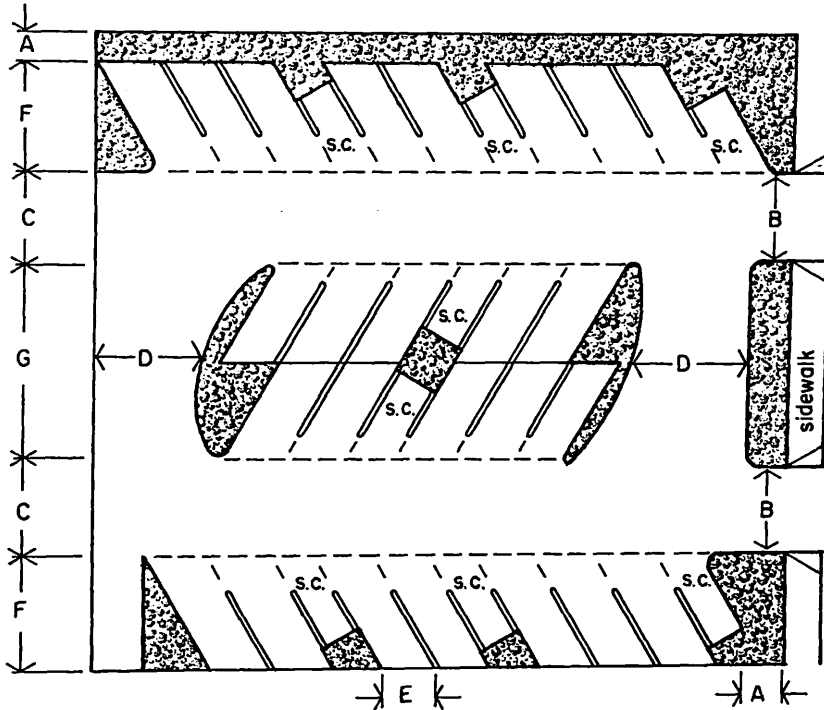
All parking lots or areas shall conform to the following requirements.

- (a) Space dimensions. Each space shall be a minimum of nine (9) feet wide and eighteen (18) feet long. Each small car space shall be exactly seven and one-half (7.5) feet wide and fifteen (15) feet long. When the required parking for a residential development with four or fewer units is not in a garage or covered by a carport, each space shall be a minimum of ten (10) feet wide and nineteen (19) feet long.



(b) Other dimensions.

	45°	50°	55°	60°	70°	80°	90°
A. Required setback or landscaping	Varies by zone						
B. Driveway width (one way/two way)	12'/20'	12'/20'	12'/20'	12'/20'	12'/20'	12'/20'	12'/20'
C. Aisle width	8.8'	9.8'	12.2'	15.8'	19.0'	21.7'	24.0'
D. Turnaround or end driveway width	20'	20'	20'	20'	20'	20'	20'
E. Space width	12.7'	11.7'	11.0'	10.4'	9.6'	9.1'	9.0'
F. Space (bay) depth	19.1'	19.6'	19.9'	20.1'	20.0'	19.3'	18.0'
G. Double bay depth	31.8'	33.4'	34.7'	35.7'	36.9'	37.0'	36.0'



For any given parking angle between forty-five (45) degrees and ninety (90) degrees not specifically listed in the above table, use a table angle nearest the given angle.

Any parking plan showing parking spaces at an angle less than forty-five (45) degrees to the driveway or any other plan for which the above table is not applicable must be approved by the Director.

The minimum aisle width (C) at any parking stall angle less than forty-five (45) degrees including parallel stalls, is eight and eight-tenths (8.8) feet.

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

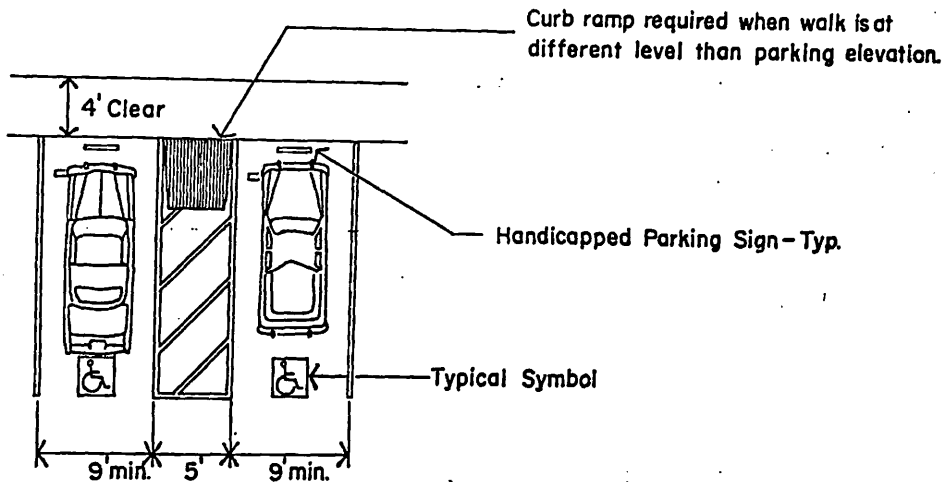
If wheelstops are used they shall be set back two and one-half (2.5) feet.

- (c) Circulation. All parking areas shall have internal circulation in which no backing movement, except that required to leave a parking space, is permitted. It shall also be possible to maneuver within a parking area without use of street right-of-way. No parking area design shall require an exiting vehicle to back onto a street, except for parking serving single family houses, duplexes or triplexes.
- (d) Small Cars. A maximum of thirty (30) percent of the spaces in a lot may be designated for parking small cars. Small car spaces shall be identified with the words "small car" painted on the pavement.
- (e) Location. For residential uses all required parking shall be located on the same building site as the use it serves. For nonresidential uses the area where required parking is provided shall be located no more than four hundred (400) feet walking distance from the use it serves. The distance is measured along sidewalks, alleys and crosswalks from the nearest point of the parking area to the nearest point of the building.
- (f) Parking for the Handicapped. Every parking area for nonresidential uses shall include spaces designed for use by the physically handicapped which shall be as close to the primary building entrance(s) as practicable. These spaces shall be located so the handicapped person is not required to wheel or walk behind a parked car other than their own. Pedestrian ways accessible to the handicapped shall be provided from each space to the use served.

If one (1) space is provided it shall be fourteen (14) feet wide and lined to provide a nine (9) foot wide space and a five

(5) foot loading and unloading area. Two (2) spaces can share the loading/unloading area. If a walkway is used as a wheelstop (maximum two and one-half (2.5) foot overhang permitted), the walkway must still have a net clear width of four (4) feet.

A raised sidewalk serving as a wheelstop as specified herein and in subsection (g) following may be less than six (6) inches high if necessary to accommodate a handicapped ramp as determined by the Chief Building Official.



Markings and signs shall be as required by State law, including signs at parking lot entrances regarding towing of cars for unauthorized parking in a space for the handicapped, signs at the spaces restricting use to handicapped persons, and pavement markings displaying the handicapped symbol.

The minimum number of spaces designed for use by the handicapped shall be:

<u>Total Spaces in Lot</u>	<u>No. Spaces</u>
1-40	1
41-80	2
81-120	3
121-160	4
161-300	5
301-400	6
401-500	7
Over 500	1 for each additional 200 spaces

In lots with less than five (5) spaces, one (1) space fourteen (14) feet wide must be provided. This space shall be striped to provide a nine (9) foot vehicle area and a five (5) foot ramp area. However, this space need not be signed for or limited to exclusive use by the handicapped.

(g) Wheelstops. Wheelstops are required as follows:

- (1) Every parking space that is not separated by a fence, wall or landscaped area from any alley property line upon which it abuts, shall be provided with a suitable concrete curb or timber barrier not less than six (6) inches in height. The curb or barrier shall be located not less than two and one-half (2.5) feet from the alley property line, and be securely installed and maintained.
- (2) Every parking space that abuts a fence, wall or landscaped area shall be separated from the fence, wall or landscaped area by a suitable wheelstop consisting of a concrete curb or timber barrier not less than six (6) inches in height. The curb or barrier shall be located not less than two and one-half (2.5) feet from the fence, wall or landscaped area; and be securely installed and maintained. If low-lying plant materials, that will permit a two and one-half (2.5) foot vehicular overhang are specified in an approved landscaping plan, a six (6) inch concrete curb can be utilized for a planter boarder as well as a wheelstop.
- (3) Every parking area with an aisle that abuts a fence, wall or landscaped area shall have the aisle separated from the fence, wall or landscaped area by a suitable wheelstop consisting of a concrete curb or timber barrier not less than six (6) inches in height and not less than four and one-half (4.5) feet from the fence, wall or landscaped

area. The curb or barrier shall be securely installed and maintained. If low-lying plant materials, that will permit a four-and-one-half-foot (4.5) vehicular overhang are specified in an approved landscaping plan, a six (6) inch concrete curb can be utilized for planter boarder as well as a wheelstop.

SEC. 10-2.2008. EXPANSION OF EXISTING PARKING AREAS.

Existing parking areas which do not conform to the provisions of this Article may be expanded or reconstructed as follows:

- (a) For those expansions or reconstructions in any twelve (12) month period which cumulatively add less than fifty (50) percent additional spaces, the requirements of this Article as to parking lot design, improvement standards, and landscaping shall apply to the new or reconstructed area only. For purposes of this section reconstruction excludes overlays or resurfacing.
- (b) For those expansions or reconstructions in any twelve (12) month period which cumulatively add fifty (50) percent or more additional spaces, the requirements of this Article as to parking lot design, improvement standards, and landscaping shall apply to the entire parking area.

SEC. 10-2.2110. SPECIFIC REQUIREMENTS FOR TYPE, AREA AND HEIGHT OF SIGNS IN THE C-1, C-2, C-3, C-M, M-1, M-2 AND P-D ZONES.

It shall be unlawful for any person to erect, construct or maintain on any lot or parcel any sign of a type or having an area and/or height in violation of the following specific requirements:

- (a) In the C-1, C-2, C-M, M-1 and M-2 zones, the following signs are permitted except as otherwise stated:
 - (1) Only one (1) of the following signs for each use or occupancy:
 - (aa) Freestanding identification sign not exceeding seventy-two (72) square feet in area and twenty (20) feet in height; or
 - (ab) Projecting identification sign not exceeding seventy-two (72) square feet in area and thirty-five (35) feet in height; if any portion projects into or overhangs a public street or alley right-of-way, said sign shall not exceed forty-eight (48) square feet in area; or

- (ac) Marquee identification sign at right angles to a street, not exceeding forty-eight (48) square feet in area and thirty-five (35) feet in height. A second such marquee identification sign is permitted if the two (2) signs are single-faced, are parallel, and are on opposite ends of a marquee.
 - (ad) Exception: Any sign existing on March 1, 1977, in the C or M zones on a pylon which extends above a ridgeline shall be allowed to remain in addition to one (1) of the above signs as a nonconforming sign subject to abatement according to the schedule set forth in Section 10-2.2107.
- (2) One (1) freestanding identification sign for a shopping center, as herein defined, for each street upon which the shopping center fronts, subject to the following provisions:
- (aa) Each shopping center sign shall not exceed seventy-two (72) square feet in area and twenty (20) feet in height.
 - (ab) The identification on each shopping center sign shall be limited to the shopping center name with either a reader board or a listing of uses within the center optional. The lettering for the reader board or the listing of such uses shall be of a size not greater than one-half (0.5) the size of the lettering of the shopping center name on such sign.
 - (ac) Any freestanding or projecting identification sign or signs erected at said shopping center on or after July 1, 1972, whether identifying said shopping center or any use or occupancy therein, shall be removed prior to obtaining a building permit for the erection of a shopping center sign.
 - (ad) After erection of a shopping center sign at a shopping center, even in those cases where the shopping center sign installation preceded this Code provision, no additional freestanding or projecting identification sign shall be erected at such shopping center for any use or occupancy therein.

- (ae) A shopping center, eligible for a freestanding identification sign, is usually characterized by a cluster of retail uses:
- (i) At one (1) location held out to the public as a distinct shopping area and having a minimum of five (5) retail uses on the same or adjacent sites.
 - (ii) On one (1) or more parcels not normally traversed by any public streets.
 - (iii) With membership in a merchants association comprising the cluster.
 - (iv) That employ a common advertising program for such a center.
- (3) For a freestanding tourist-oriented hotel, motel, restaurant or service station located on property within two hundred (200) feet of the Freeway 99 right-of-way, one (1) freestanding identification sign, not exceeding one hundred fifty (150) square feet in area and thirty-five (35) feet in height may be approved subject to the securing of a conditional use permit from the Board in accordance with Article 25 of Chapter 2 of Title X of this Code.
- (aa) Said use permit shall be dependent upon the following two (2) findings being shown:
- (i) That the use or occupancy is a freestanding use. For the purposes of this section, a freestanding use is defined as a use or occupancy that does not attract customers by its proximity to another business or businesses and is not part of a shopping center or any group of businesses that jointly attract customers through their proximity to each other or through common advertising.
 - (ii) That the use or occupancy cannot be adequately identified by other signs permitted in the C-1 zone.
- (ab) The Board may grant permission for said sign to be higher than thirty-five (35) feet if the applicant can show that a bridge over Freeway 99 or ramps thereto obstruct visibility of said sign to the northbound or southbound lanes of Freeway 99.

Applicant shall also present plans illustrating the means by which the minimum height necessary to clear said visual obstruction was determined.

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

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

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

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

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

(ii) For each other frontage of the building:

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

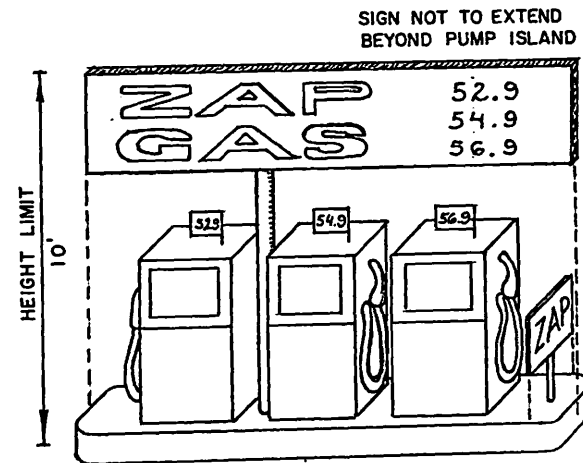
(ac) That said signs shall not exceed thirty-five (35) feet in height nor project above a ridge line.

(ad) That signs hung from a canopy shall be not less than eight (8) feet above a private sidewalk or fourteen and one-half (14.5) feet above ground level in areas open to vehicular traffic.

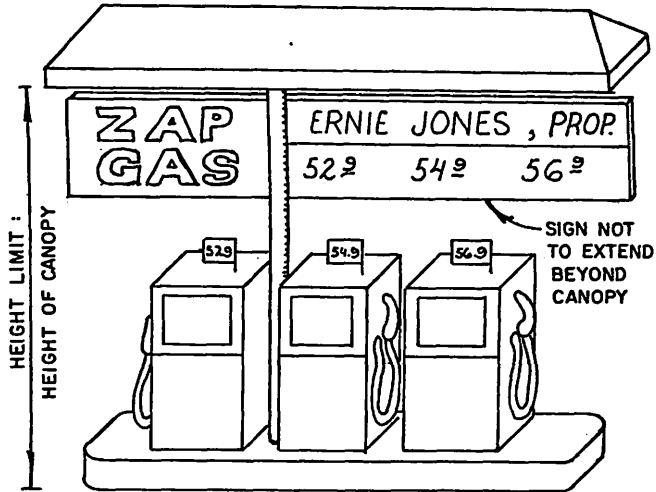
(5) Directional signs located wholly on private property on the premises to which they pertain as follows:

- (aa) One (1) exterior directional sign per use per street frontage of the site, not exceeding twelve (12) square feet in area and six (6) feet in height, and provided business identification shall not exceed one-half (0.5) of the area on a given sign face.
- (ab) Any number of interior directional signs, each not exceeding six (6) square feet in area and six (6) feet in height.
- (ac) Two (2) maximum interior directional signs for a drive-in restaurant or other eating place with drive-through facilities, each sign not to exceed thirty (30) square feet in area and eight (8) feet in height.
- (6) One (1) for sale or rent sign, not exceeding sixty-four (64) square feet in area and ten (10) feet in height.
- (7) One (1) construction sign, not exceeding sixty-four (64) square feet in area and ten (10) feet in height, provided such sign is removed not later than thirty (30) days after construction is completed.
- (8) One (1) sign hung from a marquee per street frontage for a given use, not exceeding six (6) square feet in area on any one side or twelve (12) square feet maximum total area. Said sign shall be not less than eight (8) feet above a public sidewalk and may be mounted at an angle to the leading edge of a marquee.
- (9) Political signs may be erected, maintained, and displayed as follows:
 - (aa) Each such sign shall not exceed sixty-four (64) square feet in area.
 - (ab) The overall height of each such sign shall not exceed ten (10) feet.
 - (ac) The combined area of all such signs shall not exceed one hundred fifty (150) square feet.
 - (ad) Such signs shall be erected no more than sixty (60) days prior to the date of the election, and shall be removed within ten (10) days after the election.
- (10) Temporary signs are not permitted.

- (11) Outdoor advertising signs are not permitted except as otherwise provided in this article.
- (12) Window signs are permitted.
- (13) One (1) freestanding identification sign, not exceeding seventy-two (72) square feet in area and twenty (20) feet in height, which shall be permitted to identify a use without any structures, such as a parking lot. For pumpkin and Christmas tree sale lots, one (1) freestanding identification sign shall be permitted, not exceeding thirty-two (32) square feet in area and twelve (12) feet in height.
- (14) Signs on service station pump islands, canopy uprights, and nonmovable structures on the pump islands, which shall be permitted if the combined area of said signs and all other wall and canopy signs do not exceed the total sign area permitted in subsection (4) above for the building on the site and do not project beyond the canopy roof or raised pump island. Said signs shall not exceed ten (10) feet in height if there is no canopy. For self-service service stations with small attendant booths less than ten (10) feet on any side, a maximum total wall and canopy sign area of one hundred sixty (160) square feet is permitted.



SERVICE STATION WITHOUT A CANOPY



SERVICE STATION WITH A CANOPY

(15) From March 1, 1981, to March 1, 1985, only, freestanding motor fuel price signs are permitted, as hereinafter specified, for businesses dispensing motor fuel to the public. The message on said signs shall be limited to specifying the prices and grades of motor fuel, self-service or full-service, and brand name of the motor fuel, as required by Section 13530 et seq. of the California Business and Professions Code effective January 1, 1981, and as hereafter amended. Motor fuel price signs shall be permitted as follows:

(aa) One (1) motor fuel price sign per street frontage of the site.

(ab) Maximum area shall be twenty-five (25) square feet for the self-service portion of the sign and six (6) square feet for a discount for cash portion of the sign; twenty-five (25) square feet for the full-service portion of the sign and six (6) square feet for a discount for cash portion of the sign; all can be combined as one (1) sign.

(ac) Maximum height of sign shall be fourteen (14) feet.

- (16) One (1) corporate flag per use or occupancy, not exceeding twenty-four (24) square feet in area; dimensions relative to each other shall not exceed a ratio of 2:1. Such flags shall be flown only from a flagstaff or flagpole.
- (b) In the C-3 zone, the following signs are permitted:
- (1) Any signs allowed in the C-1 zone are permitted in the C-3 zone for uses permitted in Section 10-2.1205 excepting that freestanding, marquee, and projecting identification signs as allowed in Section 10-2.2110(a)(1) and freestanding shopping center identification signs as allowed in Section 10-2.2110(a)(2) are not permitted in the C-3 zone.
 - (2) Any signs allowed in the R-3 zone are permitted in the C-3 zone for uses permitted in Section 10-2.1204.
 - (3) For a freestanding tourist-oriented hotel, motel, restaurant, or service station located on property within two hundred (200) feet of the Freeway 99 right-of-way, one (1) freestanding identification sign not exceeding one hundred fifty (150) square feet in area and thirty-five (35) feet in height may be approved subject to the securing of a conditional use permit from the Board in accordance with Article 25 of Chapter 2 of Title X of this Code.
 - (aa) Said use permit shall be dependent upon the following two (2) findings being shown.
 - (i) That the use or occupancy is a freestanding use. For the purposes of this section, a freestanding use is defined as a use or occupancy that does not attract customers by its proximity to another business or businesses and is not part of a shopping center or any group of businesses that jointly attract customers through their proximity to each other or through common advertising.
 - (ii) That the use or occupancy cannot be adequately identified by other signs permitted in the C-3 zone.
 - (ab) The Board may grant permission for said sign to be higher than thirty-five (35) feet if the applicant can show that an overcrossing of Freeway 99 or ramps thereto obstruct visibility of said sign to the

northbound or southbound lanes of Freeway 99. Applicant shall also present plans illustrating the means by which the minimum height necessary to clear said visual obstruction was determined.

- (4) For any other freestanding use or occupancy, one (1) freestanding identification sign not to exceed seventy-two (72) square feet in area and twenty (20) feet in height may be approved subject to the securing of a conditional use permit from the Board in accordance with Article 25 of Chapter 2 of Title X of this Code. Said use permit will be dependent upon the following two (2) findings being shown:

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

(ab) That the use or occupancy cannot be adequately identified by other signs permitted in the C-3 zone.

- (c) For P-D zones the following signs are permitted:

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

SEC. 10-2.2315. PROJECTIONS INTO YARDS.

- (a) Eaves and awnings and other ornamental architectural features may project into a required yard as permitted by the Uniform Building Code.
- (b) Chimneys may project into a required yard a maximum of one-and-one-half (1.5) feet.

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 18th day of February, 1986, 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: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

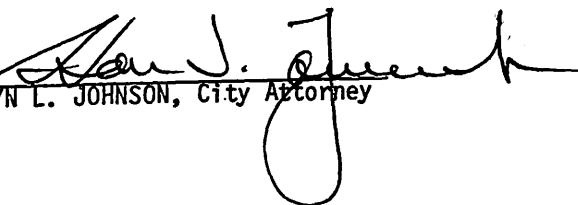
APPROVED: 
PEGGY MENSINGER, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

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 March, 19 86, 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: Lang, McGrath, 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: April 3, 1986

ORDINANCE NO. 2409-C.S.

AN ORDINANCE ADDING SECTIONS 12-2.04 AND 12-2.05 TO CHAPTER 2 OF TITLE XII OF THE MODESTO MUNICIPAL CODE REGARDING GOLF CART ROUTES.

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

SECTION 1. AMENDMENT OF CODE. Sections 12-2.04 and 12-2.05 are hereby added to Chapter 2 of Title XII of the Modesto Municipal Code to read as follows:

SEC. 12-2.04. DESIGNATED GOLF CART ROUTES.

- (a) Definition of Designated Golf Cart Route. A street upon which vehicles and golf carts authorized by Vehicle Code Section 21115 may operate.
- (b) Use of Designated Golf Cart Route. It shall be unlawful for the operator of any golf cart to operate said vehicle upon any street or highway in the City of Modesto other than on a designated golf cart route as authorized by California Vehicle Code Section 21115 and in accordance with the provisions of this Code.
- (c) Designation of Golf Cart Routes. Designated Golf Cart Routes shall become effective when appropriate signs are in place giving notice of said designation to the public.
- (d) Designated Golf Cart Route. Pursuant to authority contained in California Vehicle Code Section 21115, it is hereby determined that:

Adjacent to and between the Modesto Municipal Golf Course and 321 Neece Drive (where carts are stored) are streets designed and constructed so as to safely permit the combined use of regular vehicular traffic and golf carts.

It is hereby declared that said streets or portions thereof as hereinafter set forth are established for the combined use of regular vehicular traffic and golf carts.

NAME OF STREET OR PORTION AFFECTED

Fairway Drive, 200 feet east and 36 feet west of its intersection with Neece Drive.

SEC. 12-2.05. REGULATIONS GOVERNING DRIVING OF GOLF CARTS ON GOLF CART ROUTES.

- (a) Except as expressly provided herein it shall be unlawful and a misdemeanor for any person to drive a golf cart on any public street in the City of Modesto.
- (1) Only persons engaged to manage or operate City golf courses, or their employees, who are at least eighteen (18) years of age and who have in their possession a current and valid California driver's license are permitted to drive golf carts on designated golf cart routes.
 - (2) Golf carts shall only be driven on designated golf cart routes for purposes of parking, storing, servicing or maintaining said carts.
 - (3) Golf carts shall only be driven on designated golf cart routes during daylight hours.
 - (4) Golf carts shall not be driven on designated golf cart routes during inclement weather including but not limited to fog, rain or other weather conditions which reduce vehicle visibility.
 - (5) All provisions of the California Vehicle Code, except as limited by § 21115 thereof, must be obeyed while driving golf carts upon designated golf cart routes.

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 18th day of February, 1986, 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: Lang, McGrath, 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 25th day of February, 19 86, Councilmember Sutton 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: Lang, McGrath, Muratore, Patterson, Sutton,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Whiteside

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 25, 1986

ORDINANCE NO. 2410 -C.S.

AN ORDINANCE AMENDING SECTION MAPS 2-3-8 AND 3-3-8 OF THE ZONING MAP TO REZONE FROM PORTIONS OF P-D(330) AND P-D(331) TO R-3, PROPERTY LOCATED ON THE NORTHEAST SIDE OF SISK ROAD SOUTH OF PELANDALE AVENUE. (MARTIN AND MARTIN)

WHEREAS, the City Council, by Ordinance No. 2144-C.S., which was adopted on October 5, 1982, and which became effective on November 4, 1982, amended Section Maps 2-3-8 and 3-3-8 of the Zoning Map to reclassify property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(330), to allow a general commercial shopping center, property located on the southeast corner of Pelandale Avenue and Sisk Road, and

WHEREAS, the Council, by Resolution No. 82-743, adopted on September 28, 1982, approved the development schedule for Planned Development Zone, P-PD(330), and

WHEREAS, the City Council, by Ordinance No. 2145-C.S., which was adopted on October 5, 1982, and which became effective on November 4, 1982, amended Section Maps 2-3-8 and 3-3-8 of the Zoning Map to reclassify property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(331), to allow a professional office development, property located on the east side of Sisk Road south of Pelandale Avenue, and

WHEREAS, the Council, by Resolution No. 82-744, adopted on September 28, 1982, approved the development schedule for Planned Development Zone, P-D(331), and

WHEREAS, a verified application for an amendment to Sections 2-3-8 and 3-3-8 of the Zoning Map was filed by Laurence Martin and Arthur Martin on

November 8, 1985, to reclassify from portions of Planned Development Zone, P-D(330) and Planned Development Zone, P-D(331), to Medium High Density Residential Zone, R-3, property located on the northeast side of Sisk Road south of Pelandale Avenue, and

WHEREAS, said amendment was set for a public hearing before the Planning Commission on December 16, 1985, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence, both oral and documentary, was received and considered, and

WHEREAS, at said hearing, after hearing evidence, both oral and documentary, the Planning Commission, by its Resolution No. 85-230, found and determined that rezoning from portions of P-D(330) and P-D(331) to R-3 was required by public necessity, convenience and general welfare for the following reasons:

1. A ten-acre multiple family residential development represents less intensive land use than if two-thirds of the land were developed in office/commercial uses.
2. The traffic impact on Sisk Road will be less than would result from development under the current zoning.
3. The proposed R-3 land development is more in line with the General Plan Neighborhood Prototype as applied to this stretch of Sisk Road.

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, Modesto, California, on January 14, 1986, at 7:30 p.m., at which time said hearing was held and thereafter continued to February 25, 1986, at 7:30 p.m., and

WHEREAS, at said hearings 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. The Council finds and determines that portions of Planned Development Zone, P-D(330) and Planned Development Zone, P-D(331) should be rezoned to Medium High Density Residential Zone, R-3, for the reasons set forth in Planning Commission Resolution No. 85-230 and quoted above.

SECTION 2. ZONING CHANGE. Sections 2-3-8 and 3-3-8 of the Zoning Map are hereby amended to rezone the following described property from portions of Planned Development Zone, P-D(330) and Planned Development Zone, P-D(331), to Medium High Density Residential Zone, R-3:

P-D(330) to R-3

ALL that portion of Sections 2 and 3, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

COMMENCING at the intersection of the centerline of Pelandale Avenue with the west line of said Section 2; thence on said centerline North 89°57'00" East 698.52 feet; thence parallel with the centerline of proposed Gagos Drive, South 0°15'35" West 690.97 feet to the true point of beginning of this description; thence continuing South 0°15'35" West, 159.03 feet; thence South 79°45'25" West, 446.23 feet; thence South 66°00'00" West, 320.58 feet to the beginning of a curve concave to the Northeast having a radius of 2,970.00 feet from which a radial line bears North 65°21'21" East; thence 143.20 feet along the arc of said curve through a central angle of 2°45'45"; thence North 60°20'06" East, 478.66 feet; thence North 89°57'00" East, 373.33 feet to the point of beginning.

Including also all of the eastern 30.00 feet of 60.00 foot wide Sisk Road located immediately adjacent to the above described property.

ALL that portion of Sections 2 and 3, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

COMMENCING at the intersection of the centerline of Pelandale Avenue with the west line of said Section 2; thence on said centerline North 89°57'00" East 698.52 feet; thence parallel with the centerline of proposed Gagos Drive, South 0°15'35" West 850.00 feet; thence South 79°45'25" West 446.23 feet to the true point of beginning of this description; thence South 28°21'20" East 264.07 feet to the beginning of a non-tangent curve concave to the Northeast having a radius of 2,646.00 feet and a central angle of 02°31'48" and from which point the radius point of said curve bears North 58°13'32" East; thence Southeasterly on the arc of said curve 116.84 feet; thence South 34°18'16" East, 86.87 feet to a point on the South line of said Section 2; thence South 89°51'52" West, along said South line of Section 2, a distance of 388.10 feet, to a point on the Easterly right-of-way line of Sisk Road; thence North 28°21'12" West, along said Easterly right-of-way line, a distance of 235.12 feet to a point on the West line of said Section 2; thence North 0°18'45" East, along said West line of the Section, a distance of 61.73 feet; thence North 89°24'59" West, 29.84 feet to said Easterly right-of-way line of Sisk Road and the beginning of a curve concave to the Northeast having a radius of 2,970.00 feet from which a radial line bears North 65°16'41" East; thence 4.03 feet along the arc of said curve through a central angle of 0°04'40"; thence North 66°00'00" East, 320.58 feet to the point of beginning.

Including also all of that eastern portion of 60.00 foot wide Sisk Road located immediately adjacent to and between the centerline of said road and the above described property.

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

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

SECTION 5. PUBLICATION. 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 25 day of February, 1986, 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: Lang, McGrath, 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 Orvide*
Department of Planning and
Community Development

Ordinance 2410 C.S.
Exhibit A – Map

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 4th day of March, 19 86, 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: Lang, McGrath, 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: April 3, 1986

ORDINANCE NO. 2411 -C.S.

AN ORDINANCE AMENDING SECTION MAP 13-3-8 OF THE ZONING MAP TO REZONE FROM MEDIUM DENSITY RESIDENTIAL ZONE, R-2, TO PLANNED DEVELOPMENT ZONE, P-D(395), PROPERTY LOCATED ON THE SOUTHEAST CORNER OF RUMBLE ROAD AND CONANT AVENUE (BRIGHT DEVELOPMENT COMPANY)

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

SECTION 1. ZONING CHANGE. Section 13-3-8 of the Zoning Map is hereby amended to reclassify the following described property from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(395):

The west 528 feet of the most northerly 475 feet of the following described parcel. Parcel A of the Parcel Map filed June 2, 1966, in Volume 1 of Parcel Maps, at page 153 and being a portion of the Northeast Quarter of Section 13, Township 3 South, Range 8 East, Mount Diablo Base and Meridian.

Including also the easterly 20 feet of Conant Avenue and the southerly 20 feet of Rumble Road immediately adjacent to the said west 528 feet of the most northerly 475 feet of said Parcel A.

SECTION 2. USES. The following uses shall be permitted in said P-D(395) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) 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 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. Elderly housing complex.
2. Amenities and off-street parking as shown on the approved development plan.

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

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

SECTION 5. PUBLICATION. 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 4 day of March, 1986, by Councilmember McGrath, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson.

NOES: Councilmembers: Sutton, Whiteside, Mayor Mensinger.

ABSENT: Councilmembers: None

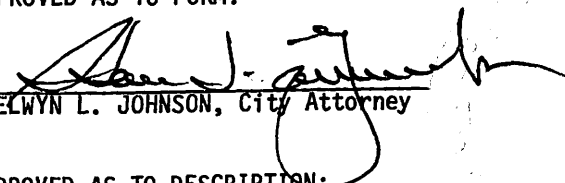
APPROVED: 
PEGGY MENSINGER, Mayor

ATTEST:

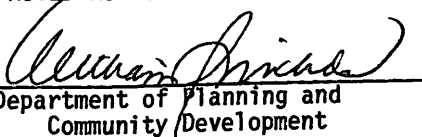
By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and
Community Development

**Ordinance 2411 C.S.
Exhibit A – Map**

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 18th day of March, 1986, Councilmember McGrath 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: Lang, McGrath, Muratore, Patterson

NOES: Councilmembers: Whiteside, Mayor Mensinger

ABSENT: Councilmembers: Sutton

APPROVED Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 17, 1986



ORDINANCE NO. 2412 -C.S.

AN ORDINANCE AMENDING SECTION MAP 14-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(397), PROPERTY LOCATED ON THE NORTHEAST CORNER OF OAKDALE ROAD AND MERLE AVENUE (FLORSHEIM PROPERTIES)

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

SECTION 1. ZONING CHANGE. Section 14-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(397):

All that certain real property situate in a portion of the northwest quarter of the southwest quarter of Section 14, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, and lying in the City of Modesto, State of California, more particularly described as follows:

Commencing at the southwest corner of Lot "1", of Block 11030 as shown on the map of Walnut Tree Estates Subdivision, as recorded in Volume 29 of Maps, at page 90, Stanislaus County Records; thence South $0^{\circ}21'42''$ East, 10.00 feet to a point on the North right-of-way line of 40.00 foot wide Merle Avenue; thence North $89^{\circ}29'55''$ West along said North right-of-way line of Merle Avenue, 250.00 feet to the point of beginning of this description; thence continuing North $89^{\circ}29'55''$ West along said north right-of-way line of Merle Avenue, 998.82 feet; thence North $0^{\circ}30'05''$ East, 15.00 feet to the beginning of a tangent curve, concave to the Northeast having a radius of 15.00 feet and a central angle of $89^{\circ}10'55''$; thence northwesterly along the arc of said curve, 23.35 feet; thence South $89^{\circ}41'00''$ West, 25.00 feet to the east right-of-way line of 75.00 foot wide Oakdale Road; thence North $0^{\circ}19'$ West along said east right-of-way line Oakdale Road, 611.47 feet; thence South $89^{\circ}30'28''$ East, 1038.20 feet; thence South $0^{\circ}21'42''$ East, 641.07 feet to the point of beginning of this description.

Including also all of the easterly portion of Oakdale Road located between the above described property and the west line of said Section 14 and the northerly portion of Merle Avenue located between the above described property and the Southern east/west quarter quarter line of said Section 14.

SECTION 2. USES. The following uses shall be permitted in said P-D(397) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) 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 10-2.1709(a) or (b) of the Modesto Municipal Code:

A residential condominium development.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 1986, 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: Lang, McGrath, 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 Heather Bridges
Department of Planning and
Community Development

Ordinance 2412 C.S.
Exhibit A – Map

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 8th day of April, 19 86, 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, McGrath, Muratore, Patterson, Whiteside, Mayor Mensinger
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Sutton

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 8, 1986

ORDINANCE NO. 2413 C.S.

AN ORDINANCE AMENDING SECTION 7-3.411 OF ARTICLE 4 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO OIL COMPANY LEASES AT THE AIRPORT.

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

SECTION 1. AMENDMENT OF CODE. Section 7-3.411 of Article 4 of Chapter 3 of Title VII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 7-3.411. OIL COMPANY LEASES.

No gasoline, fuel or oil shall be delivered to or hauled or carted or stored at said airport by any company, corporation, copartnership or individual unless said company, corporation, copartnership or individual has a lease or agreement with the City authorizing such to be done.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 1986, 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: Lang, McGrath, Muratore, Patterson, Whiteside, Mayor Mensinger.

NOES: Councilmembers: None.

ABSENT: Councilmembers: Sutton.

APPROVED: 
PEGGY MENSINGER, Mayor

ATTEST: 
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By 
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 15th day of April, 1986, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, 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: May 15, 1986

ORDINANCE NO. 2414 -C.S.

AN ORDINANCE AMENDING SECTION 4-4.506 OF ARTICLE 5 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO LOT LINE ADJUSTMENTS.

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

SECTION 1. AMENDMENT OF CODE. Section 4-4.506 of Article 5 of Chapter 4 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-4.506. LOT LINE ADJUSTMENTS

- (a) In General. A lot line adjustment between two (2) or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and a greater number of parcels than originally existed is not thereby created, may be approved by the Secretary of the Planning Commission, without the approval and filing of a parcel map. A lot line adjustment shall not be approved unless the parcels and any structure(s) or parking space(s) located thereon will comply with requirements of the zone in which the parcel is located and applicable building regulations; except that where existing parcels or structures are nonconforming with respect to zone requirements, a lot line adjustment may be approved so long as the degree of nonconformance is not increased.
- (b) Filing and Approval. An application for a lot line adjustment shall be filed with the Secretary of the Planning Commission and shall be in the form and contain the information required by the Secretary of the Planning Commission. Upon receipt of an application, the Secretary of the Planning Commission shall review the proposal for compliance with the provisions of Section 4-4.506(a). Following review of the application, the Secretary may approve or disapprove the lot line adjustment by executing an appropriate certificate of approval or denial.
- (c) Conditions of Approval. The Secretary of the Planning Commission may require that a property survey of the altered parcels be made and a record of survey recorded in accordance with the provisions of the California Land Surveyors Act (Chapter 15, Division 3, of the Business and Professions Code). The Secretary of the Planning Commission may also impose such other reasonable conditions as the Secretary deems

necessary to establish a record of the lot line adjustment, or to provide for utility services to the affected parcels.

- (d) Appeals. Any person may, within fifteen (15) days after the approval or denial of a lot line adjustment by the Secretary of the Planning Commission, appeal such action in writing to the Planning Commission. The Planning Commission shall consider the appeal upon notice to the appellant, the applicant and any interested party requesting notice, within fifteen (15) days or at its next succeeding regular meeting unless the appellant and applicant both consent to a continuance. At the Planning Commission meeting at which the appeal is considered, the Planning Commission shall hear the testimony of the appellant, the applicant and any interested party requesting to be heard. The Planning Commission may, by resolution, sustain, modify, reject or overrule any action of the Secretary of the Planning Commission with respect to the lot line adjustment. The action of the Planning Commission with respect to the lot line adjustment application shall be final unless the Planning Commission decision is appealed to the City Council in accordance with the provisions of Section 4-4.404(f) of this chapter pertaining to tentative maps.

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 April, 1986, by Councilmember Whiteside, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, 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 April, 1986, 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: Lang, McGrath, 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: May 22, 1986

ORDINANCE NO. 2415 -C.S.

AN ORDINANCE AMENDING SECTION MAP 17-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED
THEREON. (ROBERT IACOPI)

WHEREAS, a verified application for an amendment to Section 17-3-9 of the Zoning Map was filed by Robert Iacopi on January 15, 1986, to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located on the east side of Tully Road north of Mount Vernon Drive, hereinafter described, and

WHEREAS, after public hearing held on March 17, 1986, 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. 86-55, adopted on March 17, 1986, the Planning Commission recommended to the Council that the application of Robert Iacopi to amend Section 17-3-9 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on April 22, 1986, 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 location conforms to the neighborhood prototype design for medium density residential uses.
2. The property is located contiguous to and between other medium density properties.

SECTION 2. ZONING CHANGE. Section 17-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2:

All that portion of the Northwest quarter of Section 17, Township 3 South, Range 9 East, M. D. B. & M., described as follows:

COMMENCING at the West quarter corner of said Section 17, said corner being also the Southwest corner of the Northwest quarter of said Section 17; thence along the East-West quarter section line South 88° 53' East 20.01 feet; thence parallel to and 20 feet Easterly from the West line of said Section 17, North 0° 48' 30" West 992.53 feet; thence North 89° 11' 30" East 25.01 feet to the TRUE POINT OF BEGINNING of this

description, said true point of beginning being the Southeast corner of that certain property conveyed to the City of Modesto from Etta Hemminger, et al, by Deed recorded December 15, 1955, in Vol. 1333 of Official Records, page 239, as Instrument No. 36287; thence continuing North 89° 11' 30" East and being along the Northerly boundary of Bel-Air Subdivision No. 1, as per Map filed February 24, 1956, in Vol. 18 of Maps, at page 48, a distance of 100 feet; thence continuing along the Westerly boundary of said Bel-Air Subdivision No. 1 and along the Westerly boundary of Bel Air Subdivision No. 2, as per Map filed January 18, 1957, in Vol. 18 of Maps, page 64, North 0° 48' 30" West a distance of 162 feet; thence continuing along the boundary of said Bel-Air Subdivision No. 2, South 89° 11' 30" West 100 feet to the Easterly boundary of the aforementioned Deed to the City of Modesto; thence South 0°48' 30" East and along said City of Modesto East line 162 feet, more or less, to the TRUE POINT OF BEGINNING.

Including the East 45.00 feet of Tully Road and the West 10.00 feet of the alley immediately adjacent to the above described property.

SECTION 3. ZONING MAP. Section 17-3-9 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.

Ordinance 2415 C.S.
Exhibit A – Map

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 1986, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William J. White
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 6th day of May, 1986, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 5, 1986