

ORDINANCE NO. 1651 -c.s.

AN ORDINANCE AMENDING SECTION MAP 27-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-
FYING CERTAIN PROPERTY LOCATED THEREON. (LAND BANK
FINANCIAL SERVICES AND RICHARD BREHMER.)

The Council of the City of Modesto does ordain as fol-
lows:

SECTION 1. ZONING CHANGE. Section 27-3-9 of the
Zoning Map is hereby amended to reclassify the following-described
property from Low Density Residential Zone, R-1.
to Planned-Development Zone, P-D (169):

All that portion of Lot 38 of Broughton Colony Tract, as per Map filed
March 17, 1904 in Vol. 1 of Maps, page 78, Stanislaus County Records,
described as follows:

COMMENCING at a 3/4 inch pipe marking the North quarter corner of Section
27, Township 3 South, Range 9 East, M.D.B. & M., said pipe also being the
Northeast corner of Lot 38 aforesaid; running thence South 0° 37' 47" East
along the East line of said Lot 38, a distance of 175.00 feet to the South-
east corner of the property conveyed to Calvary Luthern Church of Modesto,
a corporation, by Deed recorded July 11, 1956, in Vol. 1374 of Official
Records, page 391, and being the true point of beginning of this descrip-
tion; thence North 89° 51' 30" West along the South line of said Calvary
Luthern Church of Modesto property, a distance of 231.80 feet, more or
less, to the Northeast corner of the property conveyed to U. S. Brannon,
et ux, by Deed recorded January 30, 1961, in Vol. 1659 of Official
Records, page 492; thence South 0° 23' East along East line of said Brannon
property, a distance of 90.00 feet to the Northwest corner of the property
conveyed to W. Lester McDowell, a married man, by Deed recorded March 24,
1964 in Vol. 1934 of Official Records, page 85; thence along the boundary
line of said McDowell property, South 89° 51' 30" East, 64.00 feet and
South 9° 38' East, 224.57 feet to the Southeast corner of said McDowell
property and being on the Northerly line of a 50-foot County Road known
as Scenic Drive; thence North 73° 47' East along the North line of said
Scenic Drive, a distance of 187.67 feet, more or less, to the Southeast
corner of said Lot 38; thence North 0° 37' 47" West along the East line of
said Lot 38, a distance of 257.61 feet, more or less, to the true point
of beginning.

Including also the Northerly 25.00 feet of Scenic Drive immediately
adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(168) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. 28 one and two story apartment units
2. An off-street parking area

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 1977, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

ATTEST: Judy C. Hall
~~XX~~
JUDY C. HALL, Acting City Clerk
(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Pichler
Department of Planning and
Community Development

Ordinance 1651 C.S.
Exhibit A – Map

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

Ord. No. 1651-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of October, 1977, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

ATTEST: *Norrine Coyze*
NORRINE COYZE, City Clerk

EFFECTIVE DATE: November 9, 1977

AN ORDINANCE AMENDING SECTION MAP 16-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-
FYING CERTAIN PROPERTY LOCATED THEREON. (MODESTO
CHRISTIAN ESTATES, INC.)

The Council of the City of Modesto does ordain as fol-
lows:

SECTION 1. ZONING CHANGE. Section 16-3-9 of the
Zoning Map is hereby amended to reclassify the following-described
property from Low Density Residential Zone, R-1,
to Planned-Development Zone, P-D (171):

All that portion of Section 16, Township 3 South, Range 9 East
of the M.D.B. & M., described as follows:

Beginning at the northwest corner of the 35.386 acre parcel shown
on the map filed in Book 21 of Parcel Maps, at page 81, in the
Stanislaus County Records, also being the true point of beginning;
thence Southerly along the West line of said parcel a distance of
440.0 feet; thence Easterly along a line that is parallel with the
North line of said parcel a distance of 696.0 feet; thence Northerly
along a line that is parallel with the said West line a distance of
440.0 feet to the point of intersection with the said North line;
thence Westerly along the said North line a distance of 696.0 feet
to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D_(171) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. A 150-dwelling unit senior citizens project, one and two story.
2. Off-street parking areas.

SECTION 3. ZONING MAP. Section Map 16-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

Ordinance 1652 C.S.
Exhibit A – Map

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

Ord. No. 1652-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of October, 1977, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 9, 1977

AN ORDINANCE GRANTING TO HAROLD AGRESTI AND DON AGRESTI DOING BUSINESS AS AMERICAN HOG FARM A LICENSE FOR THE COLLECTION OF SWILL IN THE CITY OF MODESTO.

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

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

SECTION 2. A limited license to collect swill in the City of Modesto is hereby granted to Harold Agresti and Don Agresti doing business as American Hog Farm, a partnership subject to the following terms and conditions:

(a) Said license shall be for a term commencing with the effective date of the license granted hereby, and ending December 31, 1982, unless terminated at an earlier date under the provisions of this license.

(b) Said license shall be a non-exclusive license to collect swill.

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

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

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

(f) The Director of Public Works of the City of Modesto shall administer and supervise the Licensee's operations under the terms of this license and in accordance with the provisions of Chapter 5 of Title V of the Municipal Code.

(g) The Licensee shall maintain full and complete books of account and other records showing all business transacted in connection with the license for collection of swill by said Licensee including, but not limited to, receipts, expenses, profits, supporting statements and vouchers, balance sheets, profit and loss statements, and other documents, accurately reflecting and showing all such business of the Licensee. All such books and records shall be subject to audit and inspection at any and all reasonable times by the City and its authorized officers, agents or employees and shall be made available at said office for such inspection or audit at any and all reasonable times upon request or demand of the authorized City official.

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

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

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

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

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

(k) Swill collected by the Licensee may be disposed of at such locations as are approved by the Health Officer.

(l) Salvaging or scavenging by the Licensee, or any of the Licensee's employees, is prohibited during collection.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 1977 by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

ATTEST Judy C. Hall
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JUDY C. HALL, Acting City Clerk
(SEAL)

APPROVED AS TO FORM: Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

Ord. No. 1653-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of October, 1977, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,
Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 9, 1977

ORDINANCE NO. 1654 -C. S.

AN ORDINANCE AMENDING SECTIONS 10-2.253, 10-2.806, 10-2.906, 10-2.1006, 10-2.1106, 10-2.1207, 10-2.1515, 10-2.1614, 10-2.1801, 10-2.1803, 10-2.1808, 10-2.2106, 10-2.2706, 10-2.2708, 10-2.2711 and 10-2.3510 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTIONS 10-2.1517 AND 10-2.2808 THERETO RELATING TO THE ZONING REGULATIONS, AND ADDING SECTIONS 10-1.04 AND 10-1.05 TO CHAPTER 1 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO PLANNING.

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

SECTION 1. AMENDMENT OF CODE. Sections 10-2.253, 10-2.806, 10-2.906, 10-2.1006, 10-2.1106, 10-2.1207, 10-2.1515, 10-2.1614, 10-2.1801, 10-2.1803, 10-2.1808, 10-2.2106, 10-2.2706, 10-2.2708, 10-2.2711 and 10-2.3510 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.253. PARKING AREA. Any lot or parcel which contains an area or areas other than a street or alley, used for the parking of motor vehicles, whether free, for compensation, or as an accommodation.

SEC. 10-2.806. COMPATIBILITY WITH ADJACENT RESIDENTIAL USES. In order to improve compatibility between uses permitted in the C-1 Zone and existing or proposed residential uses on adjacent parcels in the R-A, R-1, R-2, R-3, P-O, H-1, or residential P-D Zones, even if separated by an alley, the following standards shall apply except for existing buildings and structures that are undergoing renovation, alteration, or enlargement that results individually or cumulatively in fifty (50%) percent or less additional floor area:

(a) An eight (8') foot masonry wall shall be constructed along the property line adjacent to property zoned R-A, R-1, R-2, or R-3 or granted approval for residential uses with P-O, H-1, or P-D zoning.

(b) A building setback shall be provided for all buildings and structures eight (8') feet or higher that is a minimum of ten (10') feet or ten (10%) percent of a lot width (for sideyard setback) or lot depth (for rearyard setback) whichever is greater, in each case, up to a maximum required setback of forty (40') feet.

SEC. 10-2.906. COMPATIBILITY WITH ADJACENT RESIDENTIAL USES. In order to improve compatibility between uses permitted in the C-2 Zone and existing or proposed residential uses on adjacent parcels in the R-A, R-1, R-2, R-3, P-O, H-1, or residential P-D Zones, even if separated by an alley, the following standards shall apply except for existing buildings and structures that are undergoing renovation, alteration, or enlargement that results individually or cumulatively in fifty (50%) percent or less additional floor area:

(a) An eight (8') foot masonry wall shall be constructed along the property line adjacent to property zones R-A, R-1, R-2, or R-3 or granted approval for residential uses with P-O, H-1, or P-D zoning.

(b) A building setback shall be provided for all buildings and structures eight (8') feet or higher that is a minimum of ten (10') feet or ten (10%) percent of a lot width (for sideyard setback) or lot depth (for rearyard setback) whichever is greater, in each case, up to a maximum required setback of forty (40') feet.

SEC. 10-2.1006. COMPATIBILITY WITH ADJACENT RESIDENTIAL USES. In order to improve compatibility between uses permitted in the C-M Zone and existing or proposed residential uses on adjacent parcels in the R-A, R-1, R-2, R-3, P-O, H-1, or residential P-D Zones, even if separated by an alley, the following standards shall apply except for existing buildings and structures that are undergoing renovation, alteration, or enlargement that results individually or cumulatively in fifty (50%) percent or less additional floor area:

(a) An eight (8') foot masonry wall shall be constructed along the property line adjacent to property zoned R-A, R-1, R-2, or R-3 or granted approval for residential uses with P-O, H-1, or P-D zoning.

(b) A building setback shall be provided for all buildings and structures eight (8') feet or higher that is a minimum of ten (10') feet or ten (10%) percent of a lot width (for sideyard setback) or lot depth (for rearyard setback) whichever is greater, in each case, up to a maximum required setback of forty (40') feet.

SEC. 10-2.1106. COMPATIBILITY WITH ADJACENT RESIDENTIAL USES. In order to improve compatibility between uses permitted in the M-1 Zone and existing or proposed residential uses on adjacent parcels in the R-A, R-1, R-2, R-3, P-O, H-1, or residential P-D Zones, even if separated by an alley, the following standards shall apply except for existing buildings and structures that are undergoing renovation, alteration, or enlargement that results individually or cumulatively in fifty (50%) percent or less additional floor area:

(a) An eight (8') foot masonry wall shall be constructed along the property line adjacent to property zoned R-A, R-1, R-2, or R-3 or granted approval for residential uses with P-O, H-1, or P-D zoning.

(b) A building setback shall be provided for all buildings and structures eight (8') feet or higher that is a minimum of ten (10') feet or ten (10%) percent of a lot width (for sideyard setback) or lot depth (for rearyard setback) whichever is greater, in each case, up to a maximum required setback of forty (40') feet.

SEC. 10-2.1207. COMPATIBILITY WITH ADJACENT RESIDENTIAL USES. In order to improve compatibility between uses permitted in the M-2 Zone and existing or proposed residential uses on adjacent parcels in the R-A, R-1, R-2, R-3, P-O, H-1, or residential P-D Zones, even if separated by an alley, the following standards shall apply except for existing buildings and structures that are undergoing renovation, alteration, or enlargement that results individually or cumulatively in fifty (50%) percent or less additional floor area:

(a) An eight (8') foot masonry wall shall be constructed along the property line adjacent to property zoned R-A, R-1, R-2, or R-3 or granted approval for residential uses with P-O, H-1, or P-D zoning.

(b) A building setback shall be provided for all buildings and structures eight (8') feet or higher that is a minimum of ten (10') feet or ten (10%) percent of a lot width (for sideyard setback) or lot depth (for rearyard setback) whichever is greater, in each case, up to a maximum required setback of forty (40') feet.

SEC* 10-2.1515. LANDSCAPING STANDARDS. (a) Purpose of the Standards. The landscaping of all areas of the community is intended to provide visual relief and delight, to complement building and other structures, to provide a transitional area between potential competing land uses, to aid in reducing air pollution, and to provide an attractive environment for the enjoyment of the public. Landscaping which is integrated with building design is an acceptable and desirable objective of contemporary community development.

Whenever landscaping or a landscape plan is required by this Code or as a condition of a zoning district, the following standards of landscape design and landscape plan specifications shall apply.

(b) Standards of Landscape Design.

(1) Plan Preparation. It is recommended but not required that a landscape architect or a landscape contractor be employed in preparing the landscape plan. In addition to plans, the use of structural elements such as pools, fountains, raised planters, benches and sunshades is encouraged but not required in the landscape plan.

Prior to plan preparation, the Director of Parks and Recreation should be contacted for street tree information to insure that landscaping will not interfere with the City's tree planting plan.

(2) Plant Materials. The selection of plant materials should include both evergreen and deciduous trees and shrubs, and attractive erosion preventing ground cover. Attention shall be given to appearance, height, spread, growth rate, potential root damage, disease and pest susceptibility, soil drainage and climatic adaptability, and the degree of maintenance required.

(3) Plant Coverage. Plants shall be so spaced and sized that, when mature, they will fill the planter area. Although a reasonable number of growing seasons will be allowed for full plant coverage to develop, interim ground cover shall be provided during this period. Interim cover of surfacing materials shall consist of rocks, gravel, mulch, chips, or any other acceptable material.

(4) Plant Maintenance. Underground irrigation systems shall be provided to assure maximum plant maintenance with minimum manpower, except where the location and size of the planter area justifies something less. Automatic underground irrigation systems shall be provided where the location and size of the planter area justifies the additional cost involved.

(5) Planter Construction. All planter areas shall have a peripheral concrete or other permanent type border to prevent cars and pedestrians from damaging plant materials. The minimum width of a planter bed should be forty (40") inches.

(c) Landscape Plan Specifications.

(1) Four (4) copies of the landscape plan shall be submitted for review and approved by the Director of Parks and Recreation, in accordance with the above standards of landscape design.

(2) One copy of all building elevations or one copy of all building plans and a representative elevation shall be submitted together with the landscape plan. The building plans and elevations shall be in sufficient detail to permit determination of the location, width, and height of all doors and windows on all proposed buildings within or adjacent to lands included in the landscape plan.

(3) The landscape plans shall be legible and drawn to a scale no smaller than one inch equals twenty (20') feet.

(4) The landscape plans shall show property lines,

important dimension lines, setback lines, walls and fences, driveways, and the outline of all structures.

(5) The landscape plans shall show a satisfactory irrigation system.

(6) The landscape plans shall include a plant list giving the common and botanical names of plants to be used. This plant list shall be arranged in legend form with a key number assigned to each plant. On the plan, each plant shall be identified by a key number. The size of the plant, its spacing and the quantity to be used shall follow in the legend, as the following example illustrates.

No.	Botanical Name	Common Name	Size	Spa.	Qty.
1.	Campanula Isophylla	Italian Bellflower	Flat	6"o.c.	6
2.	Eucalyptus Polyanthemos	Silver Dollar Gum	5 gal.	20' o.c.	10
3.	Pinus Mugo Mughus	Mugho Pine	1 gal.	10' o.c.	14
4.	Ajuga Reptans	Carpet Bugle	Flat	6"o.c.	5
5.	Callistemon Red Chico	Fireball Bush	1 gal.	10' o.c.	6
6.	Hedera Canariensis	Algerian Ivy	Flat	10' o.c.	3

(d) Installation and Maintenance of Landscaping. Whenever landscaping or a landscaping plan is required by this Code or as a condition of a zoning district, a variance, a use permit, or any other conditional agreement, the landscaping shall be installed and maintained in accordance with the landscape plan approved pursuant to subparagraph (c) above.

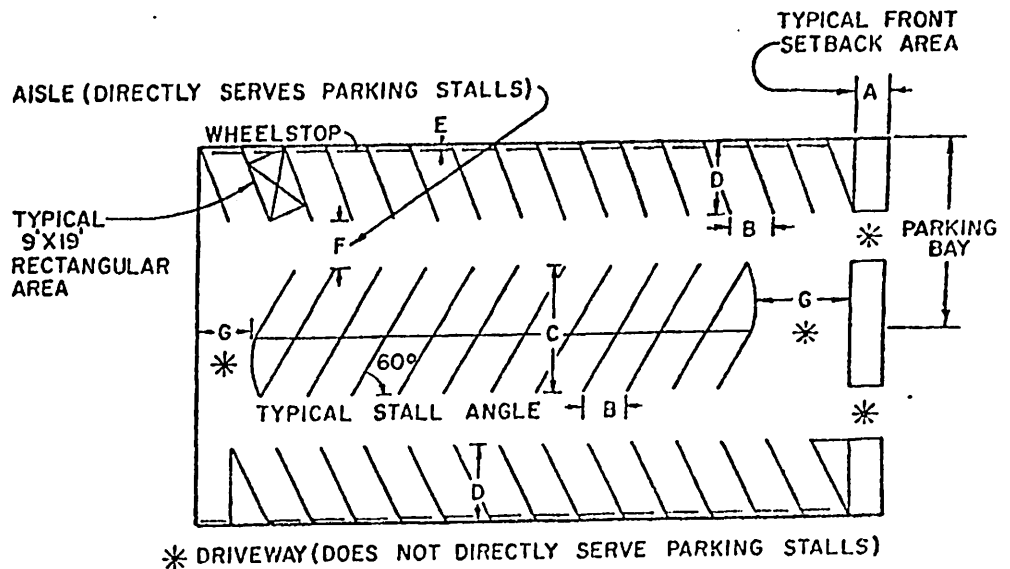
SEC. 10-2.1614. SETBACK REQUIREMENTS FOR THROUGH LOTS. The setback requirement for through lots shall be a minimum of fifteen (15') feet from each street frontage, except that when vehicular access is prohibited from one street frontage of the through lot and when a minimum six (6') foot high wall or view obscuring fence is to be erected along the property line of said street frontage, as required by the Municipal Code, a Planned Development Zone, a Subdivision Map, a Use Permit, or a Variance, said property line shall be treated as a rear lot line and the rear yard setback shall be no less than fifteen (15') feet for a dwelling and for any accessory structure higher than six (6') feet.

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

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

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

TYPICAL PARKING AREA DIAGRAM
REQUIRED LANDSCAPING NOT SHOWN



PARKING STALL AND AISLE DIMENSION TABLE

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

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

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

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

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

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

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

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

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

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

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

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

If desired, one of each five (5) required parking stalls may be designated for parking small cars. Small car stalls shall contain a rectangular area of exactly seven and one-half (7.5') feet in width and exactly fifteen (15') feet in length. Each small car space shall be identified with the words "small car" painted on the pavement.

Every parking area serving commercial, industrial, and public uses shall include parking stalls for the physically handicapped. Parking stalls for the handicapped shall contain a rectangular area exactly twelve (12') feet in width and exactly nineteen (19') feet in length. The number of handicapped parking stalls required shall be 2 percent of the total number of stalls provided in any such parking area. In no case shall a parking area contain less than one such stall. Handicapped stalls shall be situated so that the handicapped person will not be required to wheel behind parked cars other than parked cars for the handicapped while entering or exiting the parking area. Each parking stall for the physically handicapped shall be identified by a sign bearing the accepted International Symbol of Access for the handicapped. The sign shall be fastened to a post located at the back of each stall.

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

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

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

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

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

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

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

SEC. 10-2.1803. EXISTING AND NEW BUILDINGS. (a) Every building hereafter erected shall be provided with parking spaces as provided in Section 10-2.1804 subject to the other provisions of this article. Such parking spaces shall be made permanently available and be permanently maintained for parking purposes.

(b) Every building hereafter enlarged, reconstructed, remodeled or structurally altered shall be provided with parking spaces to compensate for the additional parking demand, if any, created by such enlargement, reconstruction, remodeling or structural alteration. The parking spaces required by this subsection shall be determined by subtracting the number of parking spaces required by the provisions of Section 10-2.1804 of this chapter for the building as used prior to its enlargement, reconstruction, remodeling or structural alteration from the number of spaces required by said section for the building for its proposed use after its enlargement, reconstruction, remodeling or structural alteration. Such parking spaces shall be made permanently available and be permanently maintained for parking purposes. For buildings other than dwellings, if the additional parking demand created by all enlargements, reconstructions, remodelings, or structural alterations of a building, including all buildings and similar structures located on the same lot or parcel of land, done pursuant to building permits issued within any twelve (12) month period does not exceed four (4) parking spaces, such additional parking shall be subject only to the less stringent requirements for parking areas of four (4) or less spaces as provided in this article. In the event it is not possible to determine the number of parking spaces required for a particular building in the manner prescribed by this subsection, the Board of Zoning Adjustment shall determine an adequate number of parking spaces for such building based on standards comparable to those contained in Section 10-2.1804 of this chapter.

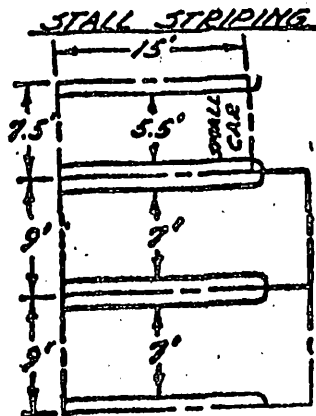
(c) Notwithstanding the provisions of subsection (a) above, if any existing building is hereafter removed or demolished to provide a site for a building, the new building shall be provided with parking spaces in conformance with subsection (b) of this section.

(d) When the computation of the number of off-street parking spaces required by this article results in a fractional space, such fractional space shall be counted as a parking space only if it is equivalent to one-half (1/2) space or more.

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

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

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



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

(c) Landscaping of Parking Areas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Border Barricades and Screening.

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

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

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

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

(e) Lighting and Maintenance.

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

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

SEC. 10-2.2106. TIME FOR HEARING. (a) The hearing by the Planning Commission for any zone boundary change initiated under the provisions of Section 10-2.2102(a) shall be held at either the Planning Commission's regularly scheduled evening meeting of the month or at a special evening meeting, for amendments initiated not later than the 15th day of the previous month. The Planning Commission after first having held a public hearing at an evening meeting as prescribed herein may continue the hearing to a regular or special afternoon or evening meeting.

(b) The hearing by the Planning Commission for an unclassified use permit shall be held not less than ten (10) days nor more than forty (40) days following the filing of an application for such unclassified use permit, unless such maximum time is waived in writing by the applicant.

SEC. 10-2.2706. AREA REQUIREMENTS OF P-D ZONE. No Planned Development Zone shall be approved for an area of less than one acre, except in the downtown area as defined in Section 10-2.2711 for the Downtown P-D Zone.

SEC. 10-2.2708 DEVELOPMENT PLAN. An application for a P-D Zone shall be made to the Planning Commission and shall include and be accompanied by a development plan. The P-D zone, when adopted, shall become part of the zoning map of the City of Modesto as provided for by Article 3 of this chapter and the development plan for such P-D zone shall be adopted by resolution.

(a) Any changes in the development plan which involve a substantial redesign of the development plan, an intensification of uses, a substantial impact on adjacent property, or new uses shall be considered as a P-D Zone amendment and shall be set for hearing in accordance with the procedures set forth in Article 21 for an unclassified use permit.

(b) If changes are proposed to the development plan which do not involve new uses, or such redesign, intensification, or impact, the Secretary of the Planning Commission shall have the power to approve such changes, provided that they conform in principle to the approved development plan. If, in the opinion of the Secretary of the Planning Commission, the changes do not conform in principle to the approved development plan, such changes shall be referred to the Planning Commission for decision. The Planning Commission may approve any such changes which result in a change in the Council resolution of approval after public hearing. The Commission's action shall be final, unless appealed to the City Council.

(c) The development plan shall include:

(1) A map showing any street system and lot design proposed within the zone. Any areas proposed to be dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings and other such uses must be shown. Compliance with the requirement shall not be construed to relieve the applicant from compliance with the subdivision regulations or any other applicable regulations of the City of Modesto.

(2) A plot plan for each building site or sites in the proposed P-D zone or any portion thereof as required by the Planning Commission. A plot plan shall show the approximate location of all proposed buildings, indicating maximum and minimum distances between buildings, and between buildings and property or building site lines.

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

(4) Any or all of the following plans and diagrams may also be required by the Planning Commission or similar information may be required to be included on the plot plan or appended thereto:

(aa) Off-street parking and loading plan.

(ab) A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the P-D zone and to and from adjacent public thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation pattern shall be shown.

(ac) Landscaping and tree planting plan.

(ad) A map showing the topography of the proposed zone at one foot contour intervals.

(ae) An economic feasibility report or market analysis.

SEC. 10-2.2711. PURPOSE AND STANDARDS - DOWNTOWN AREA.

(a) Purpose. The purpose of a smaller minimum area for Planned Development Zones in the downtown area bounded by Needham Avenue, Downey Avenue, Burney Street, Grand Street, Groveland Street, Morton Boulevard, B Street, Tuolumne Boulevard, Freeway 99, Kansas Avenue, is to accomplish the following:

(1) To spur development of downtown by extending P-D zone provisions to smaller than one acre lots.

(2) To encourage the development of high rise density residential units in the downtown area.

(3) To encourage innovative, compatible mixed use developments in the downtown area.

(b) Standards. In order to accomplish these purposes, the following general standards shall constitute guidelines in considering and determining appropriate and reasonable conditions to apply to any Planned Development Zone in said downtown area.

It is not intended that these standards be mandatorily imposed, but that they be applied when reasonable under the facts and circumstances developed through the study and consideration of a particular Planned Development application.

(1) The lot area of a Planned Development Zone will be a minimum of fourteen thousand (14,000) square feet.

(2) One dwelling unit will be permitted for each six hundred (600) square feet of lot area.

(3) A minimum of one hundred (100) square feet of common usable open space will be provided for each dwelling unit.

(4) One parking space will be provided for each dwelling unit and one parking space per five hundred (500) square feet of retail, office, and service uses will be provided.

(5) Reasonable front, side and back yard areas will be provided when a development is proposed adjacent to residential areas, and other areas when appropriate, to maintain site compatibility.

SEC. 10-2.3510. SPECIFIC REQUIREMENTS FOR TYPE, AREA AND HEIGHT OF SIGNS IN THE C-1, C-2, C-M, M-1, M-2, M-P, H-1, A-R, F, and P-D Zones. It shall be unlawful for any person to erect, construct or maintain on any lot or parcel any sign of a type or having an area and/or height in violation of the following specific requirements:

(a) In the C-1 Zone, C-2 Zone, C-M Zone, M-1 Zone, M-2 Zone, and M-P Zone, the following signs are permitted except as otherwise stated:

(1) Only one (1) of the following signs for each use or occupancy:

(aa) Freestanding identification sign not exceeding seventy-two (72) square feet in area and twenty (20') feet in height, or

(ab) Projecting identification sign not exceeding seventy-two (72) square feet in area and thirty-five (35') feet in height. If any portion projects into or overhangs a public street or alley right-of-way, said sign shall not exceed forty-eight (48) square feet in area, or

(ac) Marquee identification sign at right angles to a street, not exceeding forty-eight (48) square feet in area and thirty-five (35') feet in height. A second such marquee identification sign is permitted if the two (2) signs are single-faced, are parallel, and are on opposite ends of a marquee.

(ad) Exception: Any sign existing on March 1, 1977, in the C or M Zones on a pylon which extends above a ridgeline shall be allowed to remain in addition to one (1) of the above signs as a non-conforming sign subject to abatement according to the schedule set forth in Section 10-2.3507.

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

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

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

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

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

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

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

(i) A shopping center is usually comprised of a cluster of retail uses at one location held out to the public as a distinct shopping area and having at least one retail use with a minimum area for that use of twenty thousand (20,000) square feet, and having a minimum of five (5) other retail uses on the same or adjacent sites.

(ii) A shopping center is not normally traversed by any public streets.

(iii) The existence of and extent of membership of any merchants association.

(iv) The existence of any common advertising program for such center, or any uses or occupancies conducted therein, and the number of uses or occupancies conducted therein, and the number of uses or occupancies therein which participate in such program.

(3) For a freestanding tourist-oriented hotel, motel, restaurant or service station located on property within two hundred (200') feet of the freeway 99 right-of-way, one (1) freestanding identification sign, not exceeding one hundred and fifty (150) square feet in area and thirty-five (35') feet in height may be approved subject to the securing of a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of Chapter 2 of Title X of this Code.

(aa) Said use permit shall be dependent upon the following two findings being shown:

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

(ii) That the use or occupancy cannot be adequately identified by other signs permitted in the C-1 Zone.

(ab) The Board of Zoning Adjustment may grant permission for said sign to be higher than thirty-five (35') feet if the applicant can show that a bridge over freeway 99 or ramps thereto obstruct visibility of said sign to the northbound or southbound lanes of freeway 99. Applicant shall also present plans illustrating the means by which the minimum height necessary to clear said visual obstruction was determined.

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

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

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

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

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

(ii) For each other frontage of the building:

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

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

(ad) That signs hung from a canopy shall be not less than eight (8') feet above a private sidewalk or fifteen (15') feet above ground level in areas open to vehicular traffic.

(ae) That marquee signs shall be parallel with the building upon which they are mounted and parallel with the public street or alley into which they project or overhang.

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

(aa) One (1) exterior directional sign per use per street frontage of the site, not exceeding twelve (12) square feet in area and six (6') feet in height, and provided business identification shall not exceed one-half of the area on a given sign face.

(ab) Any number of interior directional signs, each not exceeding six (6) square feet in area and six (6') feet in height.

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

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

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

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

(9) Political signs, each not exceeding sixty-four (64) square feet in area and eight (8') feet in height. Said signs shall not be erected more than thirty (30) days prior to the date of the election, and shall be removed within ten (10) days after the date of the election.

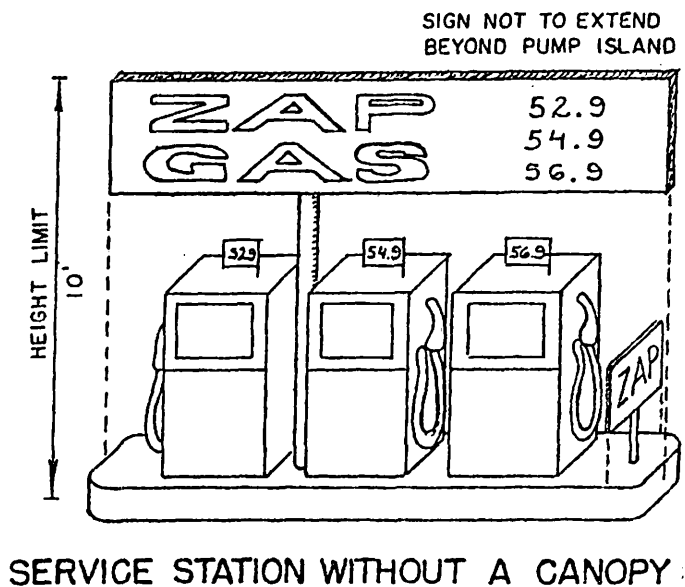
(10) Temporary signs are not permitted.

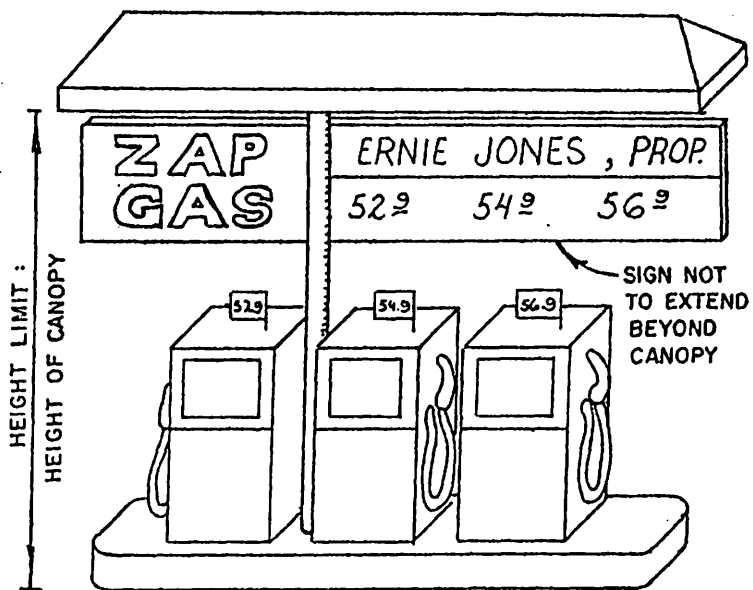
(11) Outdoor advertising signs are not permitted except as otherwise provided in this article.

(12) Window signs are permitted.

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

(14) Signs on service station pump islands, canopy uprights, and non-movable structures on the pump islands, which shall be permitted if the combined area of said signs and all other wall and canopy signs do not exceed the total sign area permitted in subsection (4) above for the building on the site and do not project beyond the canopy roof or raised pump island. Said signs shall not exceed ten (10') feet in height if there is no canopy. For self-service service stations with small attendant booths less than ten (10') feet on any side, a maximum total wall and canopy sign area of one hundred and sixty (160) square feet is permitted.





SERVICE STATION WITH A CANOPY

(b) In the H-1 Zone, the following signs are permitted:

(1) Any signs allowed in the C-1 Zone are permitted in the H-1 Zone for uses permitted in Section 10-2.2903 and Section 10-2.2903.1 excepting that freestanding, marquee, and projecting identification signs as allowed in Section 10-2.3510(a)(1) and freestanding shopping center identification signs as allowed in Section 10-2.3510(a)(2) are not permitted in the H-1 Zone.

(2) Any signs allowed in the R-3 Zone are permitted in the H-1 Zone for uses permitted in Section 10-2.2903.2.

(3) For a freestanding tourist-oriented hotel, motel, restaurant, or service station located on property within two hundred (200') feet of the freeway 99 right-of-way, one (1) freestanding identification sign, not exceeding one hundred and fifty (150) square feet in area and thirty-five (35') feet in height may be approved subject to the securing of a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of Chapter 2 of Title X of this Code.

(aa) Said use permit shall be dependent upon the following two findings being shown.

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

(ii) That the use or occupancy cannot be adequately identified by other signs permitted in the H-1 Zone.

(ab) The Board of Zoning Adjustment may grant permission for said sign to be higher than thirty-five (35') feet if the applicant can show that an overcrossing of freeway 99 or ramps thereto obstructs visibility of said sign to the northbound or southbound lanes of freeway 99. Applicant shall also present plans illustrating the means by which the minimum height necessary to clear said visual obstruction was determined.

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

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

(ab) That the use or occupancy cannot be adequately identified by other signs permitted in the H-1 Zone.

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

(1) For any uses in the A-R Zone that are also permitted in the R-A Zone, the R-A sign regulations shall apply.

(2) For any uses in the A-R Zone that are not permitted in the R-A Zone, the H-1 sign regulations shall apply.

(d) In the F Zone, the following signs are permitted:

Any sign allowed in the underlying zone. The Flood Plain Zone is an overlay zone that does not regulate signs.

(e) For P-D Zones and Unclassified Use Permits, the following signs are permitted:

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

SECTION 2. AMENDMENT OF CODE. Sections 10-2.1517 and 10-2.2808 are hereby added to Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.1517. SCREENING, ROOF-MOUNTED AIR CONDITIONERS. For all residential dwelling units located on lots backing up to or siding on a major street, expressway, or freeway with all access thereto denied, roof-mounted air conditioners shall be screened. Said screening shall be accomplished by a decorative screen around an air conditioning unit to visually obscure it from pedestrians and motorists on said street.

SEC. 10-2.2808. COMPATIBILITY WITH ADJACENT RESIDENTIAL USES. In order to improve compatibility between uses permitted in the M-P Zone and existing or proposed residential uses on adjacent parcels in the R-A, R-1, R-2, R-3, P-O, H-1, or residential P-D Zones, even if separated by an alley, the following standards shall apply except for existing buildings and structures that are undergoing renovation, alteration, or enlargement that results individually or cumulatively in fifty (50%) percent or less additional floor area:

(a) An eight (8') foot masonry wall shall be constructed along the property line adjacent to property zones R-A, R-1, R-2, or R-3 or granted approval for residential uses with P-O, H-1, or P-D zoning.

(b) A building setback shall be provided for all buildings and structures eight (8') feet or higher that is a minimum of ten (10') feet or ten (10%) percent of a lot width (for sideyard setback) or lot depth (for rearward setback) whichever is greater, in each case, up to a maximum required setback of forty (40') feet.

SECTION 3. AMENDMENT OF CODE. Sections 10-1.04 and 10-1.05 are hereby added to Chapter 1 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-1.04. STAFF. The Planning and Community Development Department shall provide staff assistance to the Commission. The Director of Planning and Community Development shall serve as Secretary to the Commission, or shall designate a member of the department staff to serve in this capacity.

SEC. 10-1.05. APPEAL OF ACTIONS TO CITY COUNCIL. All final actions by the Planning Commission including but not limited to plot plan review and P-D or use permit plot plan revisions may be appealed to the City Council in accordance with Sections 10-2.2110 through 10-2.2115.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 1977, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

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

ATTEST:

By Judy C. Hall
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1654-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of October, 1977, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED 
LEE H. DAVIES, Mayor

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 9, 1977

AN ORDINANCE AMENDING SECTION MAP 23-3-9
 OF THE ZONING MAP OF THE CITY OF MODESTO, PREZONING
 CERTAIN PROPERTY LOCATED THEREON. (P-PD(170) GARY E. DAVIS)

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

SECTION 1. ZONING CHANGE. Section 23-3-9 of the Zoning Map is hereby amended to prezone the following-described property to Planned-Development Zone, P-PD(170):

All that portion of Lot 4 of Elbert Tract, according to the Official Map thereof filed in the office of the Recorder of Stanislaus County, California, on January 21, 1908 in Volume 3 of Maps, at page 28, more particularly described as follows, to wit:

COMMENCING at the northwest corner of said Lot 4 at the center of the irrigation ditch; thence South $74^{\circ} 58'$ East, 3.13 chains along the center of said irrigation ditch, and along the boundary of said Lot 4; thence South $0^{\circ} 45'$ East 11.55 chains to the center of the County Road; and South boundary line of said Lot 4; thence North $67^{\circ} 13'$ West 3.28 chains along the center of said County Road, and South boundary of said Lot 4; thence North $0^{\circ} 45'$ West, 11.11 chains along the West boundary line of said Lot 4 to the point of commencement.

Parcel No. 2

The North 463.24 feet of the following described property:

All that portion of the Southwest quarter of the Southwest quarter of Section 23, in Township 3 South, Range 9 East, Mount Diablo Base and Meridian, bounded and particularly described as follows:

BEGINNING at a point North $89^{\circ} 17'$ East 491.92 feet from a point on the Section line between Sections 22 and 23, above Township and Range, and 876.48 feet North of the Southwest corner of said Section 23; said point being the Northeast corner of land conveyed to Gerald H. Graham and wife, by Deed recorded August 29, 1932 in Volume 479 of Official Records, at page 29, as Instrument No. 8367, running thence South along the East line of said Graham's property 701.05 feet to the center line of County Road; thence South 74° East along center line of said County Road, a distance of 82 feet to a point; thence North and parallel with the East line of land of said Graham, a distance of 254 feet to a point; thence at right angles East 78.5 feet to a point on the East line of land conveyed to George Darby and wife, by Deed recorded December 20, 1933 in Volume 511 of Official Records at page 251, as Instrument No. 8896; thence North along the East line of land of said George Darby and wife, 463.24 feet to the Northeast corner of land of said George Darby and wife, thence West along the North line of land of said George Darby and wife a distance of 153.92 feet to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-PD(170) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code. Said uses are as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to the issuance of a building permit:

1. A tennis club including 6 unlit tennis courts, 4 lighted tennis courts, a swimming pool, storage structure, and clubhouse.
2. Off-street parking.

SECTION 3. ZONING MAP. Section Map 23-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 1977, by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Smith
Department of Planning and
Community Development

Ordinance 1655 C.S.
Exhibit A – Map

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

Ord. No. 1655-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of October, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

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


NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

APPROVED


LEE H. DAVIES, MAYOR

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 23, 1977

AN ORDINANCE AMENDING SECTION MAP 8 - 3 - 9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-
FYING CERTAIN PROPERTY LOCATED THEREON. (RULE
DEVELOPMENT)

The Council of the City of Modesto does ordain as fol-
lows:

SECTION 1. ZONING CHANGE. Section 8-3-9 of the
Zoning Map is hereby amended to reclassify the following-described
property from Medium Density Residential Zone, R-2
to Planned-Development Zone, P-D (172) :

All that certain real property situate in a portion of the South one-half of
the Northwest quarter of Section 8, Township 3 South, Range 9 East, Mount
Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State
of California, described as follows:

BEGINNING at the West quarter corner of said Section 8, said corner
being at the intersection of the center lines of Standiford Avenue and
Tully Road; thence North $1^{\circ} 13' 30''$ West along said center line of Tully
Road, a distance of 969.50 feet; thence South $89^{\circ} 39' 17''$ East along
the South line of Hollywood Park No. 1, recorded in Volume 25 of Maps,
Page 85, Stanislaus County Records, a distance of 1040.74 feet to the
center line of Colonial Drive; thence Southerly along the future center
line of said Colonial Drive the following courses: South $1^{\circ} 13' 30''$ East
1.64 feet to a tangent curve, concave to the West; thence Southerly
151.94 feet along said curve, having a radius of 1000.00 feet and a
central angle of $8^{\circ} 42' 19''$, to a compound curve, concave to the East;
thence continuing Southerly 151.96 feet along said curve, having a radius
of 1000.00 feet and a central angle of $8^{\circ} 42' 24''$, to a tangent line;
thence South $1^{\circ} 13' 35''$ East 256.11 feet to a tangent curve concave to
the East; thence Southerly 159.46 feet along said curve, having a radius
of 1000.00 feet and a central angle of $9^{\circ} 08' 11''$, to a compound curve,
concave to the West; thence continuing Southerly 189.88 feet along said
curve, having a radius of 1000.00 feet and a central angle of $10^{\circ} 52' 46''$,
to a tangent line; thence South $0^{\circ} 31' 00''$ West 65.00 feet to the afore-
mentioned center line of Standiford Avenue; thence North $89^{\circ} 29' 00''$ West
along said center line, a distance of 1040.74 feet to the point of beginning.

CONTAINING: 22.91 Acres Gross

SECTION 2. USES. The following uses shall be permitted in said P-D (172) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. 236 one and two story dwelling units accompanied by meandering common open space, recreational facilities, a recreation building, tennis courts, and off-street parking areas.
2. 3.71 acre commercial area with up to 6 separate C-1 businesses accompanied by off-street parking and common driveways, accessways, and landscaping.
3. 2.13 acre professional office area accompanied by off-street parking, common driveway, accessways, and landscaping.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of October, 1977, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: Dunlap, Siefkin

ABSENT: Councilmembers: Mayor Davies

APPROVED: Peggy Mensinger
~~PEGGY MENSINGER, Vice Mayor~~
PEGGY MENSINGER, Vice Mayor

ATTEST: Morrine Coyle
MORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By John P. Staley
Department of Planning and
Community Development

Ord. No. 1656-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of November, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: Dunlap, Siefkin

ABSENT: Councilmembers: None

APPROVED


LEE H. DAVIES, MAYOR

ATTEST:


NORRINE COYNE, City Clerk

EFFECTIVE DATE: December 7, 1977

Ordinance 1656 C.S.
Exhibit A – Map

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

1. The property proposed for P-0 rezoning has the locational criteria for P-0 zoning as outlined in the Modesto Urban Area General Plan and the Modesto Municipal Code.
2. The subject property is developed with a structure formerly used as a church, which structure would be difficult to convert to residential usage.
3. The property is located on a major street at the terminus of a busy collector street.
4. The property is adjacent to apartments, office buildings, a church and a parochial school, and near a shopping center, all of which would be compatible with the proposed zoning.

SECTION 2. ZONING CHANGE. Section 7-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Professional Office Zone, P-O:

ALL that portion of the Southeast quarter of the Southeast quarter of Section 7, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows, to wit:

BEGINNING at a point on the quarter quarter section line North 89°41' West 45.00 feet from the Northeast corner of the Southeast quarter of the Southeast quarter of said Section 7, and being on the West line of Tully Road and being also on the North line of the land conveyed to J.P. Sousa et. ux. by Deed recorded June 13, 1952, as Instrument No. 13696; thence North 89°41' West along said quarter quarter section line, a distance of 209.00 feet; thence South 1°23' East parallel with the West line of said Tully Road, a distance of 149.00 feet; thence South 89°41' East parallel with the North line hereof a distance of 70.00 feet; thence North 1°23' West 65.00 feet; thence South 89°41' East 139.00 feet to the West line of said Tully Road; thence North 1°23' West along last mentioned line 84.00 feet to the point of beginning.

Including also the Westerly 45.00 feet of Tully Road and the northerly 25.00 feet of Higbee Drive, all being immediately adjacent to the above described property.

Containing 0.508 acre net.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of October, 1977, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

APPROVED: Peggy Mensinger
~~XXXXXXXXXXXXXXXXXXXX~~
PEGGY MENSINGER, Vice Mayor

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By John L. Gray
Department of Planning and Community
Development

Ordinance 1657 C.S.
Exhibit A – Map

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

Ord. No. 1657-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of October, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: Kullijian

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 23, 1977

AN ORDINANCE AMENDING SECTION 7-2.14 OF CHAPTER 2 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO TEMPORARY CLOSING OF PUBLIC WAYS.

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

SECTION 1. AMENDMENT OF CODE. Section 7-2.14 of Chapter 2 of Title VII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 7-2.14. TEMPORARY CLOSING OF PUBLIC WAYS. The Director of Public Works may grant written permission to close or cause to be closed for limited periods City streets, alleys, driveways or areas not under control of the State of California, Division of Highways if, in the opinion of the Director of Public Works, the public interest can best be served thereby.

Permittee shall reimburse to City the cost for inspection in accordance with a Schedule of Fees approved by the Council from time to time by resolutions and on file in the offices of the City Clerk and Director of Public Works.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of October, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

APPROVED: Peggy Mensinger
~~XXXXXXXXXXXXXXXXXXXX~~
PEGGY MENSINGER, Vice Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1658-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of October, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

APPROVED


LEE H. DAVIES, MAYOR

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 23, 1977

ORDINANCE NO. 1659 -C. S.

AN ORDINANCE AMENDING SECTION 5-6.08 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO CONSTRUCTION OF NEW SEWER LATERALS.

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

SECTION 1. AMENDMENT OF CODE. Section 5-6.08 of Chapter 6 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-6.08. CONSTRUCTION OF NEW SEWER LATERALS. Any person within the Sewer District may connect his property to the City sewer system by constructing a sewer lateral under one of the following methods and constructing a house sewer line connecting the property to a sewer lateral.

(a) By Improvement District Proceedings. Sewer laterals may be financed by the formation of assessment districts and sale of improvement bonds in accordance with existing state laws governing the formation of such districts and the sale of such bonds.

(b) By Private Contract; Undeveloped Land. The owner of any undeveloped subdivision, tract, area, or lot within the Sewer District may make private arrangements for the construction of sewer laterals to serve such subdivision, tract, area, or lot in accordance with plans and specifications prepared by a registered engineer and approved by City, at his own expense, and by employing a licensed contractor to perform the work. The owner shall reimburse the City for costs incurred by it in the inspection of the work in accordance with a Schedule of Fees approved by the Council from time to time by resolutions and on file in the offices of the City Clerk and Director of Public Works.

(c) By Private Contract; Developed Land. The owner of any developed subdivision, tract, area, or lot within the Sewer District may make private arrangements for the construction of sewer laterals to serve such subdivisions, tract, area, or lot in accordance with plans and specifications prepared by a registered engineer and approved by City, or in accordance with plans and specifications prepared by the City Engineer and by employing a licensed contractor to perform the work. The owner shall reimburse the City for costs incurred by it for any preparation of plans and specifications and for inspection of the work in accordance with a Schedule of Fees approved by the Council from time to time by resolutions and on file in the offices of the City Clerk and Director of Public Works.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of October, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

APPROVED: *Peggy Mensinger*
~~XXXXXXXXXXXXXXXXXXXX~~
PEGGY MENSINGER, Vice Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1659-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of October, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

APPROVED

Lee H. Davies
LEE H. DAVIES, MAYOR

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 23, 1977

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

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

SECTION 1. ZONING CHANGE. Section 9-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D(169):

R-1 to P-D:

BEGINNING at the Southwest corner of Block 12445 in Sylvan Meadows, according to the Official Map thereof filed for record in Volume 24 of Maps at Page 55, Stanislaus County records; thence South 89° 16' East along the South line of said Sylvan Meadows a distance of 1070.65 feet; thence South 0° 48' East 204.07 feet; thence North 89° 16' West 1070.61 feet to a point on the West line of said Southeast Quarter of the Northeast Quarter of Section 9; thence North 0° 48' 40" West along said West line 204.08 feet to the point of beginning.

Containing 5.01 acres (gross)

SECTION 2. USES. The following uses shall be permitted in said P-D(169) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. A maximum of 44 single family dwellings.
2. At least two off-street parking spaces per unit.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of October, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

APPROVED: Peggy Mensinger
~~PEGGY MENSINGER, Vice Mayor~~
PEGGY MENSINGER, Vice Mayor

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By John R. Gray
Department of Planning and
Community Development

**Ordinance 1660 C.S.
Exhibit A – Map**

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

Ord. No. 1660-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of October, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

APPROVED

Lee H. Davies
LEE H. DAVIES, MAYOR

ATTEST:

Norrine Coyle
NORRINE COYLE City Clerk

EFFECTIVE DATE: November 23, 1977

ORDINANCE NO. 1661 -C.S.

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

WHEREAS, a verified application for an amendment to Section 9-3-9 of the Zoning Map was filed by Stone Bros. on July 15, 1977, to reclassify property as follows:

1. Property located on the north side of Sylvan Avenue, west of Claremont Avenue extended from R-1 to R-3.
2. Property located on the north side of Sylvan Avenue east of Claremont Avenue extended from R-1 to P-O.
3. Property located on south of Sylvan Meadows Drive and on the west side of Coffee Road from R-1 to P-O.
4. Property located on north of Sylvan Meadows Drive and on the west side of Coffee Road from R-1 to P-O.

Said property being more particularly described in Planning Commission Resolution No. 77-152, and

WHEREAS, after public hearing held on August 16, 1977, it was found and determined by the Planning Commission as follows:

1. That the proposed rezoning from R-1 to R-3 located on the north side of Sylvan Avenue, west of Claremont Avenue extended, is not required by public necessity, convenience, and general welfare for the following reasons:
 - a. It is located west of the first collector street and away from the major street intersection and is thus justified for no more than R-2 density as specified in the Modesto Urban Area General Plan.
 - b. R-3 zoning as requested would allow too great a density and would not provide the proper diminishing density extending along the major street from the major street intersection.
2. That the portion of the proposed rezoning from R-1 to P-O located on the north side of Sylvan Avenue, east of Claremont Avenue extended, is not required by public necessity, convenience, and general welfare for the following reasons:
 - a. This portion of proposed P-O zoning constitutes an unwarranted westerly extension of a proper existing and potential P-O Zone pattern which faces onto the neighborhood shopping center to the east of Coffee Road.
 - b. This portion of the subject property orients to a medium-high density residential area to the south and should provide a density transition to the medium density and low density residential land to the north and west.
 - c. This portion of the proposed P-O zoning would create an over-abundance of P-O zoning, would oversupply neighborhood professional office needs, and would thus promote relocation of general business offices better located in the downtown and other areas with a regional or community-wide service radius.

3. That the portion of the proposed rezoning from R-1 to P-O located south of Sylvan Meadows Drive and on the west side of Coffee Road is required by public necessity, convenience, and general welfare since it faces directly across from the P-D(53) neighborhood shopping center, it adjoins P-O zoning and thus comprises part of a compact area for neighborhood service, and meets the standards of the Modesto Urban Area General Plan and the P-O zoning regulations.
4. That the portion of the proposed rezoning from R-1 to P-O located north of Sylvan Meadows Drive and west of Coffee Road is not required by public necessity, convenience, and general welfare for the following reasons:
 - a. It is located beyond the first collector street north of the major street intersection which contains the neighborhood shopping center.
 - b. It is well within an area properly developed for medium density residential development.
 - c. It is too far removed and, therefore, not oriented to an area of activity justifying P-O zoning as called for in the Modesto Urban Area General Plan and in the P-O zoning regulations of the Municipal Code.
5. That rezoning to R-2 that portion of property on the west side of Coffee Road, north of Sylvan Meadows Drive for which P-O zoning was requested and that portion of property north of Sylvan Avenue West of Claremont Avenue extended, for which R-3 zoning was requested, is required by public necessity, convenience, and general welfare because these properties both have frontage on major streets and are both located beyond the first collector streets away from the major street intersection, thus possessing the proper locational criteria for R-2 zoning outlined in the Modesto Urban Area General Plan.
6. That rezoning to R-3 that property located on the north side of Sylvan Avenue, east of Claremont Avenue extended, for which P-O zoning was requested, is required by public necessity, convenience, and general welfare since it is located between the major street intersection and the first collector street, thus possessing the necessary criteria for R-3 zoning as called for in the Modesto Urban Area General Plan.

and

WHEREAS, by Resolution No. 77-152, adopted on August 16, 1977, the Planning Commission recommended to the Council an amendment to Section 9-3-9 of the Zoning Map to rezone said properties as follows:

1. That the property located on the north side of Sylvan Avenue, west of Claremont Avenue extended, be rezoned from R-1 to R-2.
2. That the property located on the north side of Sylvan Avenue east of Claremont Avenue extended, be rezoned from R-1 to R-3.
3. That the property located south of Sylvan Meadows Drive and on the west side of Coffee Road be rezoned from R-1 to P-O.
4. That the property located north of Sylvan Meadows Drive and on the west side of Coffee Road be rezoned from R-1 to R-2. Said property being more particularly described in Planning Commission Resolution No. 77-152, and

WHEREAS, an appeal to the portions of the decision of the Planning Commission denying rezoning of the above described properties as requested was filed by Stone Bros. with the City Council of the City of Modesto by a letter dated August 30, 1977, and

WHEREAS, the rezonings as recommended by the Planning Commission and said appeal were set for a public hearing before the Council of the City of Modesto on October 10, 1977, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time evidence both oral and documentary was taken and introduced, and

WHEREAS, said rezonings and appeal were further considered by the Council on October 17, 1977,

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

SECTION 1. COUNCIL FINDINGS. This Council finds and determines:

1. That the requested rezoning from R-1 to R-3 of the property located on the north side of Sylvan Avenue, west of Claremont Avenue extended, is required by public necessity, convenience, and general welfare for the following reasons:
 - a. The Sylvan Avenue frontage of this neighborhood is predominantly lower density, single family back up lots and, therefore, increased residential density in the neighborhood is warranted.
 - b. While the R-3 zoning on the specific zoning and development plan for this neighborhood does not extend beyond Claremont Avenue, the prototype plan in the General Plan calls for R-3 up to 1/4 mile from the nearest major street intersection, which applies in this case.
 - c. The applicant has indicated that he intends to develop the property at approximately 20 dwelling units per acre, which density, with plot plan review, can be made compatible with surrounding land uses.
2. That the portion of the requested rezoning from R-1 to P-O located on the north side of Sylvan Avenue, east of Claremont Avenue extended, is not required by public necessity, convenience, and general welfare for the following reasons:
 - a. This portion of the requested P-O zoning constitutes an unwarranted westerly extension of a proper, existing and potential P-O Zone pattern which faces onto the neighborhood shopping center to the east of Coffee Road.
 - b. This portion of the requested P-O zoning orients to a medium-high density residential area to the south and should provide a density transition thereto.
 - c. This portion of the proposed P-O zoning would create an over-abundance of P-O zoning, would oversupply neighborhood professional office needs, and would thus promote relocation of general business offices better located in the downtown and other areas with a regional or community-wide service radius.

3. That the portion of the requested rezoning from R-1 to P-O along the west side of Coffee Road both north and south of Sylvan Meadows Drive is required by public necessity, convenience, and general welfare for the following reasons:
 - a. Most of the area faces directly across from the neighborhood shopping center to the east of Coffee Road, which is a "center of activity" as called for in the P-O Zone.
 - b. The portion north of Sylvan Meadows Drive represents a portion of the area that would have been permitted south of Sylvan Meadows Drive had the typical 300' depth been so zoned. The net depth is only 120' - 150' and existing R-2 development to the north precludes a further extension of P-O zoning.
4. That rezoning to R-3 that property located on the north side of Sylvan Avenue, east of Claremont Avenue extended, for which P-O zoning was requested, is required by public necessity, convenience, and general welfare since it is located between the major street intersection and the first collector street, thus possessing the necessary criteria for R-3 zoning as called for in the Modesto Urban Area General Plan and neighborhood zoning and development plan.

SECTION 2. ZONING CHANGE. Section 9-3-9 of the Zoning Map is hereby amended to reclassify the following described property from R-1 to R-3 and P-O:

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

R-1 to R-3

BEGINNING at the Southwest corner of said Southeast Quarter of the Northeast Quarter of Section 9; thence South 89° 20' 50" East along South line of said Northeast Quarter and the centerline of Sylvan Avenue 530.34 feet; thence North 0° 39' 10" East 221.90 feet; thence Northerly 123.61 feet along a tangent curve concave to the West, having a radius of 500.00 feet and a central angle of 14° 09' 51"; thence North 89° 16' West 523.96 feet to the West line of said Southeast Quarter of the Northeast Quarter of Section 9; thence South 0° 48' 40" East along said West line 345.10 feet to the point of beginning.

Containing 4.22 acres (gross)

R-1 to R-3

COMMENCING at the southwest corner of said Southeast Quarter of the Northeast Quarter of Section 9; thence South 89° 20' 50" East along South line of said Northeast Quarter and the centerline of Sylvan Avenue 530.34 feet to the point of beginning of this description; thence North 0° 39' 10" East 221.90 feet; thence Northerly 123.61 feet along a tangent curve concave to the West, having a radius of 500.00 feet and a central angle of 14° 09' 51"; thence South 89° 16' East 546.65 feet; thence South 0° 48' East 94.91 feet to the Northwest corner of Parcel 1 as shown on map filed in Book 24 of Parcel Maps at page 7, Stanislaus County Records; thence South 0° 39' 10" West along the West line of said Lot 1 and Southerly extension thereof 248.62 feet to said centerline of Sylvan Avenue; thence North 89° 20' 50" West along said centerline 533.86 feet to the point of beginning.

Containing 4.23 acres (gross)

R-1 to P-O

BEGINNING at the Northwest corner of Parcel 1, as shown on map filed in Book 24 of Parcel Maps at page 7, Stanislaus County records; thence North 0° 48' West 298.98 feet to the South line of Block 12446 in Sylvan Meadows, according to the Official Map thereof filed for record in Volume 24 of Maps at page 55, Stanislaus County Records; thence South 89° 16' East along said South line 28.63 feet to the West line of Lot 43 in said Block 12446; thence North 0° 48' West along said West line of Lot 43 and the Northerly extension thereof a distance of 770.28 feet to the Northwest corner of Lot 38 in Block 12447 of said Sylvan Meadows; thence South 89° 16' East along the North line of said Lot 38 and the Easterly extension thereof, a distance of 220.08 feet to the centerline of Coffee Road; thence South 0° 48' East along said centerline a distance of 1062.60 feet; thence South 89° 12' West along the North line of said Parcel 1 and the Easterly extension thereof a distance of 248.62 feet to the point of beginning.

Containing 5.58 acres (gross)

R-1 to P-D

BEGINNING at the Southwest corner of Block 12445 in Sylvan Meadows, according to the Official Map thereof filed for record in Volume 24 of Maps at page 55, Stanislaus County records; thence South 89° 16' East along the South line of said Sylvan Meadows a distance of 1070.65 feet; thence South 0° 48' East 204.07 feet; thence North 89° 16' West 1070.61 feet to a point on the West line of said Southeast Quarter of the Northeast Quarter of Section 9; thence North 0° 48' 40" West along said West line 204.08 feet to the point of beginning.

Containing 5.01 acres (gross)

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of October, 19 77, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

APPROVED: Peggy Mensinger
~~YREK/MS/DAV/LES/IN/ST/OFX~~
PEGGY MENSINGER, Vice Mayor

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By John R. Long
Department of Planning and Community Development

Ordinance 1661 C.S.
Exhibit A – Map

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

Ord. No. 1661-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of October, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

APPROVED


LEE H. DAVIES, MAYOR

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: November 23, 1977

ORDINANCE NO. 1662-C.S.

AN ORDINANCE AMENDING SECTION 8-2.1005 OF ARTICLE 10 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO THE SCHOOL SITE AND FACILITIES TAX.

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

SECTION 1. AMENDMENT OF CODE. Section 8-2.1005 of Article 10 of Chapter 2 of Title VIII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 8-2.1005. TAXES: AMOUNT. Every person constructing or installing any new dwelling unit or mobile home space in the City of Modesto for which a School Site and Facility Tax is required to be paid by Section 8-2.1004 of this article, shall pay to the City the following taxes:

(a) The sum of Thirty-six (\$.36) Cents per square foot of dwelling unit.

(b) The sum of Three Hundred Twenty-Four and no/100ths (\$324.00) Dollars for each mobile home space.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 1977, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: Kullijian, Mayor Davies

ABSENT: Councilmembers: None

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

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1662-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of November, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: Kullijian, Mayor Davies

ABSENT: Councilmembers: None

APPROVED

Lee H. Davies
LEE H. DAVIES, MAYOR

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 7, 1977

AN ORDINANCE ADDING ARTICLE 6 TO CHAPTER 1 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO CONSTRUCTION OF CANAL CROSSINGS.

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

SECTION 1. AMENDMENT OF CODE. Article 6 is hereby added to Chapter 1 of Title VII of the Modesto Municipal Code to read as follows:

ARTICLE 6. CONSTRUCTION OF CANAL CROSSINGS

SEC. 7-1.601. PURPOSE. Urbanization of lands in the vicinity of irrigation canals create a need for major and collector street crossings of the canals to meet the needs of local traffic and to provide access to other areas of the community. The Council hereby finds that property in the immediate vicinity of street crossings of canals and the general public both benefit in approximately equal amounts from such crossings. Therefore, in order to protect the public safety and provide for the general welfare, the Council has determined that property in the vicinity of new major and collector street crossings of irrigation canals should pay approximately one-half the cost of constructing such crossings.

SEC. 7-1.602. AREAS OF BENEFIT. The following described areas are hereby established as the areas which will be benefited from the construction of a major or collector street crossing of an irrigation canal:

- (a) All that portion of the south one-half of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the intersection of the center lines of Dale Road and Veneman Avenue; thence along said center line of Veneman Avenue, easterly, 550 feet; thence south, 30 feet, to the southern line of Veneman Avenue and the true point of beginning of this description; thence easterly along said southern line of Veneman Avenue, 2506 feet, to the western line of SUNSET COUNTRY ESTATES SUBDIVISION, as per map filed October 5, 1972, in Book 24 of Maps, Page 4, Stanislaus County Records; thence southerly along said western line of SUNSET COUNTRY ESTATES, 1325 feet, to the southern line of Standiford Avenue; thence westerly along said southern line of Standiford Avenue, 2600 feet; thence northerly and parallel to said center line of Dale Road, 1393 feet, to the point of beginning.

- (b) All that portion of the north one-half of Section 12, Township 3 South, Range 8 East, and the north one-half of Section 7, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the intersection of the south line of the Modesto Irrigation District Lateral No. 6 and the west line of said Section 7; thence along said south line of Modesto Irrigation District Lateral No. 6, easterly, 1275 feet, to the west line of Modesto Irrigation District Lateral No. 7; thence south, 2400 feet, to the northern line of Standiford Avenue; thence westerly along said north line of Standiford Avenue, 2015 feet, to the south line of Modesto Irrigation District Lateral No. 7; thence northerly along a line parallel to said west line of Section 7, 1290 feet, to the north line of the proposed Cheyenne Way; thence easterly along said north line of proposed Cheyenne Way, 700 feet, to its intersection with the east line of said Section 12; thence northerly along said section line, 1210 feet to the point of beginning.

SEC. 7-1.603. ESTABLISHMENT OF FEES. a fee of one and six-tenths (1.6¢) cents per square foot of property shall be charged all property described in Section 7-1.602 above as the property's share in the cost of constructing street crossings of irrigation canals.

SEC. 7-1.604. METHOD OF PAYMENT. All applicants for building permits on properties described in Section 7-1.602 above shall pay the fees set forth in Section 7-1.603 above at the time a building permit is issued.

The square footage of property used to determine the fees shall be the total square footage of property being developed.

In those instances where the total square footage of property owned, leased or controlled by the applicant for a building permit is greater than that being developed, the Director of Public Works is authorized to determine the square footage of property to be used in determining the fees. The fees for the remaining square footage of property shall be paid at such time as such remaining square footage of property is developed.

SECTION 2. DECLARATION OF EMERGENCY. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure because the canal crossings involved are in areas where development is currently under way and building permits could be issued at any time, and such canal crossings will benefit both the property in the immediate vicinity of street crossings of canals and the general public and such canal crossings will protect the public safety and provide for the general welfare.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 1977, by Councilmember Lang, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

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

ATTEST:

By Norrine Coyne
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Ross Campbell
Public Works Department

ORDINANCE NO. 1664 -C. S.

AN ORDINANCE ADDING ARTICLE 6 TO CHAPTER 1 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO CONSTRUCTION OF CANAL CROSSINGS.

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

SECTION 1. AMENDMENT OF CODE. Article 6 is hereby added to Chapter 1 of Title VII of the Modesto Municipal Code to read as follows:

ARTICLE 6. CONSTRUCTION OF CANAL CROSSINGS

SEC. 7-1.601. PURPOSE. Urbanization of lands in the vicinity of irrigation canals create a need for major and collector street crossings of the canals to meet the needs of local traffic and to provide access to other areas of the community. The Council hereby finds that property in the immediate vicinity of street crossings of canals and the general public both benefit in approximately equal amounts from such crossings. Therefore, in order to protect the public safety and provide for the general welfare, the Council has determined that property in the vicinity of new major and collector street crossings of irrigation canals should pay approximately one-half the cost of constructing such crossings.

SEC. 7-1.602. AREAS OF BENEFIT. The following described areas are hereby established as the areas which will be benefited from the construction of a major or collector street crossing of an irrigation canal:

- (a) All that portion of the south one-half of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the intersection of the center lines of Dale Road and Veneman Avenue; thence along said center line of Veneman Avenue, easterly, 550 feet; thence south, 30 feet, to the southern line of Veneman Avenue and the true point of beginning of this description; thence easterly along said southern line of Veneman Avenue, 2506 feet, to the western line of SUNSET COUNTRY ESTATES SUBDIVISION, as per map filed October 5, 1972, in Book 24 of Maps, Page 4, Stanislaus County Records; thence southerly along said western line of SUNSET COUNTRY ESTATES, 1325 feet, to the southern line of Standiford Avenue; thence westerly along said southern line of Standiford Avenue, 2600 feet; thence northerly and parallel to said center line of Dale Road, 1393 feet, to the point of beginning.

- (b) All that portion of the north one-half of Section 12, Township 3 South, Range 8 East, and the north one-half of Section 7, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the intersection of the south line of the Modesto Irrigation District Lateral No. 6 and the west line of said Section 7; thence along said south line of Modesto Irrigation District Lateral No. 6, easterly, 1275 feet, to the west line of Modesto Irrigation District Lateral No. 7; thence south, 2400 feet, to the northern line of Standiford Avenue; thence westerly along said north line of Standiford Avenue, 2015 feet, to the south line of Modesto Irrigation District Lateral No. 7; thence northerly along a line parallel to said west line of Section 7, 1290 feet, to the north line of the proposed Cheyenne Way; thence easterly along said north line of proposed Cheyenne Way, 700 feet, to its intersection with the east line of said Section 12; thence northerly along said section line, 1210 feet to the point of beginning.

SEC. 7-1.603. ESTABLISHMENT OF FEES. a fee of one and six-tenths (1.6¢) cents per square foot of property shall be charged all property described in Section 7-1.602 above as the property's share in the cost of constructing street crossings of irrigation canals.

SEC. 7-1.604. METHOD OF PAYMENT. All applicants for building permits on properties described in Section 7-1.602 above shall pay the fees set forth in Section 7-1.603 above at the time a building permit is issued.

The square footage of property used to determine the fees shall be the total square footage of property being developed.

In those instances where the total square footage of property owned, leased or controlled by the applicant for a building permit is greater than that being developed, the Director of Public Works is authorized to determine the square footage of property to be used in determining the fees. The fees for the remaining square footage of property shall be paid at such time as such remaining square footage of property is developed.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 1977, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

APPROVED: Lee H. Davies
LEE H. DAVIES, 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 Lois Campbell
Public Works Department

Ord. No. 1664-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of November, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

APPROVED



LEE H. DAVIES, MAYOR

ATTEST:



NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 7, 1977

- (2) The subject property is in an area of activity being adjacent to Long's Drug Store and the Foster Farms Dairy processing plant.
- (3) Prior to occupancy of the site for office use, a plot plan for the project will have to be reviewed and approved by the Board of Zoning Adjustment, thus assuring compatibility of the project with adjacent land uses.

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 Professional Office Zone, P-O:

ALL that portion of Lot 2 of Fresno Tract in Section 17, Township 3 South Range 9 East of the Mount Diablo Base and Meridian as per map filed March 4, 1903, in Volume 1 of Maps, Page 76, in the Stanislaus County Records, described as follows:

COMMENCING at the Southeast corner of said Lot 2 on the centerline of 50 foot road known as McHenry Avenue; thence North 0° 30' West along the East line of said Lot 2 and the centerline of McHenry Avenue a distance of 30.00 feet to the intersection thereof with the North line of Judith Lane; thence North 88° 31' 30" West along the North line of said Judith Lane a distance of 340.02 feet to the intersection thereof with the West line of 20 foot alley, and being the true point of beginning of this description; thence North 0° 30' West along the West line of said alley a distance of 66.00 feet; thence North 88° 31' 30" West, a distance of 125.00 feet to a point on the East line of Timothy Avenue; thence South 0° 30' East along the East line of said Timothy Avenue, a distance of 51.51 feet to a point of curvature; thence along a curve to the left having a radius of 15.00 feet a distance of 23.04 feet through a central angle of 88° 00' to a point of tangency on the North line of Judith Lane; thence South 88° 31' 30" East along last mentioned line a distance of 110.51 feet to the true point of beginning.

The above described land is also designated as Parcel "A" on that certain record of survey filed in the office of the County Recorder of Stanislaus County in Volume 6 of Surveys at Page 53.

INCLUDING also the Northerly 30.00 feet of Judith Lane and the Easterly 30.00 feet of Timothy Avenue 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.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 19 77, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By John R. Coyle
Department of Planning and Community Development

Ordinance 1665 C.S.
Exhibit A – Map

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

Ord. No. 1665-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of November, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

APPROVED

Lee H. Davies
LEE H. DAVIES, MAYOR

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 21, 1977

AN ORDINANCE AMENDING SECTION MAP 22-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(JOHN AND MARCELLA HANSON)

WHEREAS, a verified application for an amendment to Section
22-3-9 of the Zoning Map was filed by John and Marcella Hanson
on July 15, 19 77, to reclassify from Low Density Residential
Zone, R-1, to Professional
Office Zone, P-0, the hereinafter described
property, and

WHEREAS, after public hearing held on September 20, 19 77,
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. 77-174, adopted on September 20,
19 77, the Planning Commission recommended to the Council that the applica-
tion of John and Marcella Hanson
to amend Section 22-3-9 of the
Zoning Map to reclassify the hereinafter described property from Low
Density Residential Zone, R-1, to Professional
Office Zone, P-0, 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
November 7, 19 77, in the City Council Chambers, City Hall, 801
11th Street, Modesto, California, this Council finds and determines that the
requested rezoning is in accordance with the general plan and will serve the
public health, safety and general welfare and provide the economic and social
advantages resulting from orderly, planned use of land resource for the
following reasons:

1. The subject property fronts on a major street immediately across from a neighborhood shopping center.
2. The subject property is located in an area of activity which nicely accommodates professional office development and thus fulfills the locational criteria for P-0 zoning outlined in the General Plan and in the Municipal Code.
3. Development under the P-0 zone, with its requirements for plot plan review will insure compatibility with adjoining residential uses to the east and southeast.

SECTION 2. 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 Professional Office Zone Zone, P-0 :

ALL that portion of Section 22, Township 3 South, Range 9 East of the Mount Diablo Base and Meridian described as follows:

Lots 7, 8, and the West 70 feet of Lot 9 in Block 1212 of Garden Acres Tract, as per Map thereof filed November 18, 1940, in Volume 14 of Maps, Page 09, Stanislaus County records. EXCEPTING therefrom the North 63.26 feet of said Lot 7.

INCLUDING also the Easterly 40.00 feet of Coffee Road, the Northerly 30.00 feet of Coolidge Avenue, and the Westerly 25.00 feet of Water Street, all being immediately adjacent to the above described property.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 1977, by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Long, Mensinger, Siefkin, Mayor Davies,
NOES: Councilmembers: None
ABSENT: Councilmembers: None

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Prude
Department of Planning and Community
Development

Ordinance 1666 C.S.
Exhibit A – Map

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

Ord. No. 1666-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28th day of November, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,
Mensingher, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 28, 1977

AN ORDINANCE ADDING SECTION 10-2.1810 TO CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO THE ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.1810 is hereby added to Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.1810. TEMPORARY PARKING LOTS DOWNTOWN. An off-street parking area is exempt from the landscaping provisions of Section 10-2.1808 if all of the following conditions are met:

(a) The property is entirely within the Downtown P-D Zone area as defined in Section 10-2.2711 of this Code;

(b) None of the spaces are required by this Code including but not limited to joint use parking by covenant and common parking;

(c) A maximum term of five (5) years from date of issuance of a building permit for said temporary parking lot; and

(d) Plot plan approval by the Planning Commission.

The applicant is required to provide a complete plot plan drawn to scale of not less than one inch for each twenty (20') feet to assist the staff and Planning Commission in evaluating the proposed development.

The plot plan shall include but not be limited to:

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

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

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

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

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

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

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 1977, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1667-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of November, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

APPROVED

Lee H. Davies
LEE H. DAVIES, MAYOR

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 21, 1977

AN ORDINANCE AMENDING SECTION 4-4.502 OF ARTICLE 5 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO SUBDIVISION REGULATIONS

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

SECTION 1. AMENDMENT OF CODE. Section 4-4.502 of Article 5 of Chapter 4 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-4.502. TENTATIVE PARCEL MAPS. (a) Filing and Departmental Approval. The legal owner of record, or his authorized representative, desiring the reparceling of any lot or lots or parcels of land under the provisions of this article shall file fifteen (15) copies of a tentative parcel map with the Planning Commission at least twenty - five (25) days prior to the meeting of the Commission at which consideration is desired. The representative of the Planning Commission authorized to receive such maps shall examine any such map upon presentation and shall not accept such map unless the same is in full compliance with this article as to form, the data, information and other matters required to be shown thereon. The tentative map shall not be considered as filed until stamped, signed and dated by said representative. The representative of the Planning Commission shall distribute copies of the tentative parcel map to affected City departments, local utility companies serving the property, and such other individuals or agencies as is deemed advisable. The department, utility company, individual or agency receiving a copy of the tentative parcel map may respond regarding any concerns or requirements within fifteen (15) days from the date the map was mailed. If a reply is not received within said fifteen (15) day period it shall be assumed that the tentative parcel map conforms with the requirements of the particular department, utility company, individual or agency.

(b) Form of Maps. Tentative parcel maps shall be eighteen (18") inches by twenty-six (26") inches in size. Maps shall be to a scale of one inch equals one hundred (100') feet for large areas, or to a scale of one inch equals fifty (50') feet for small areas where practical. Every tentative parcel map shall be clearly and legibly reproduced and shall contain the following information:

- (1) Date, north point, scale and sufficient description to define the location and boundaries of the proposed reparceling.
- (2) Name and address of record owner or owners.
- (3) Name and address of the subdivider, if other than owner.
- (4) Name and business address of the person who prepared the map, if other than owner.
- (5) Locations, names and existing width of all adjoining and contiguous highways, streets and ways.

(6) Locations and size of all pipe lines and structures used in connection therewith.

(7) Location and character of all existing public utilities.

(8) Location and character of all existing and proposed street improvements.

(9) The widths, locations and purpose of all existing and proposed easements.

(10) Method of serving individual parcels to be created with utilities.

(11) Lot layout, dimensions of each lot, and lot designations.

(12) The outline of any existing buildings to remain in place and their locations in relation to existing or proposed street and lot lines.

(c) Consistency with General Plan. A tentative parcel map shall not be approved or conditionally approved by the Planning Commission unless the Planning Commission finds that the proposed parcel map, together with the provisions for its design and improvements, is consistent with the General Plan and applicable specific plans of the City.

(d) Requirements for Approval. If the tentative parcel map complies with all of the requirements of this article and the Subdivision Map Act, the Planning Commission may approve the division, subject to the dedication of necessary right-of-way for streets and easements, the installation of all improvements along the frontages of the property so divided, as required by the Commission, and the installation of all necessary utilities and connections to each lot. All lot sizes shall conform to the provisions of the zoning regulations of the City of Modesto.

(e) Limitations on Approval. A tentative parcel map shall not be approved or conditionally approved by the Planning Commission if it makes any of the following findings:

(1) That the proposed map is not consistent with applicable general and specific plans.

(2) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(3) That the site is not physically suitable for the type of development.

(4) That the site is not physically suitable for the proposed density of development.

(5) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(6) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

(7) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the Planning Commission may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easement of record or to easements established by judgment of a court of competent jurisdiction.

(f) Improvements. If the Planning Commission approves the tentative parcel map it may require the construction of reasonable offsite and onsite improvements for the parcels being created. Requirements for the construction of such offsite or onsite improvements shall be noticed by certificate on the parcel map, on the instrument evidencing the waiver of such parcel map, or by separate instrument and shall be recorded on, concurrently with, or prior to the parcel map or instrument of waiver of a parcel map being filed for record. The construction of such improvements shall be required prior to the subsequent issuance of a permit or other grant of approval for the development of such parcel. The Planning Commission may require the fulfillment of such improvement requirements within a reasonable time following approval of the parcel map and prior to the issuance of a permit or other grant of approval for the development of a parcel upon a finding by the Planning Commission that fulfillment of the improvement requirement is necessary for reasons of:

- (1) The public health and safety; or
- (2) The required construction is a necessary prerequisite to the orderly development of the surrounding area.

If the improvements are required within such a time period, the Planning Commission may require an improvement security to be posted in one of the forms set forth in subsection (b) of Section 4-4.605.

(g) Requirement for Street Trees. As a condition of approval for parcel maps it is the policy of the City of Modesto to require street trees to be planted and maintained along the street frontages of the affected properties. In order to insure that such street trees conform to the City of Modesto Street Tree Plan, and that they are properly planted and maintained whenever street trees are required as a condition of approval of a parcel map, the applicant shall pay to the City of Modesto a sum for each street tree required. Such sum shall be established by resolution of the City Council adopted from time to time. Such sum shall be paid at the time of filing the parcel map. Upon the payment of such sum the City shall be responsible for planting and maintaining such street trees.

(h) Drainage Facilities. Whenever the City, by ordinance, has adopted a drainage plan for a particular drainage area, pursuant to Section 66483 of the Government Code of the State of California, each subdivider filing a parcel map for the division of land, any part of which is located within the boundaries of such a drainage area and the tentative map of which is filed after the effective date of the addition of this subsection, shall pay to the City at the time of the filing of the parcel map, as a condition of approval thereof, such fees as may be required by said ordinance. The Council may by resolutions or agreements adopted or entered into from time to time establish conditions under which such fees may be spread over a period of time.

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

Modesto Municipal Code Section 4-4.502 was recently amended by Ordinance No. 1613-C. S. which inadvertently deleted subparagraph (g) Requirement for Street Trees, and subparagraph (h) Drainage Facilities from said Code section. It was not the intent of the Council to delete said subparagraphs and the reenactment of said subparagraphs is necessary for the City to collect fees for street trees and for drainage facilities as a condition of recording pending parcel maps.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 1977, by Councilmember Lang, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: **None**

ABSENT: Councilmembers: **Kullijian**

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

ATTEST: Norrine Coyne
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM: Elwyn L. Johnson
ELWYN L. JOHNSON, City Clerk

AN ORDINANCE AMENDING SECTION 4-4.502 OF ARTICLE 5 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO SUBDIVISION REGULATIONS

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

SECTION 1. AMENDMENT OF CODE. Section 4-4.502 of Article 5 of Chapter 4 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-4.502. TENTATIVE PARCEL MAPS. (a) Filing and Departmental Approval. The legal owner of record, or his authorized representative, desiring the reparceling of any lot or lots or parcels of land under the provisions of this article shall file fifteen (15) copies of a tentative parcel map with the Planning Commission at least twenty - five (25) days prior to the meeting of the Commission at which consideration is desired. The representative of the Planning Commission authorized to receive such maps shall examine any such map upon presentation and shall not accept such map unless the same is in full compliance with this article as to form, the data, information and other matters required to be shown thereon. The tentative map shall not be considered as filed until stamped, signed and dated by said representative. The representative of the Planning Commission shall distribute copies of the tentative parcel map to affected City departments, local utility companies serving the property, and such other individuals or agencies as is deemed advisable. The department, utility company, individual or agency receiving a copy of the tentative parcel map may respond regarding any concerns or requirements within fifteen (15) days from the date the map was mailed. If a reply is not received within said fifteen (15) day period it shall be assumed that the tentative parcel map conforms with the requirements of the particular department, utility company, individual or agency.

(b) Form of Maps. Tentative parcel maps shall be eighteen (18") inches by twenty-six (26") inches in size. Maps shall be to a scale of one inch equals one hundred (100') feet for large areas, or to a scale of one inch equals fifty (50') feet for small areas where practical. Every tentative parcel map shall be clearly and legibly reproduced and shall contain the following information:

- (1) Date, north point, scale and sufficient description to define the location and boundaries of the proposed reparceling.
- (2) Name and address of record owner or owners.
- (3) Name and address of the subdivider, if other than owner.
- (4) Name and business address of the person who prepared the map, if other than owner.
- (5) Locations, names and existing width of all adjoining and contiguous highways, streets and ways.

(6) Locations and size of all pipe lines and structures used in connection therewith.

(7) Location and character of all existing public utilities.

(8) Location and character of all existing and proposed street improvements.

(9) The widths, locations and purpose of all existing and proposed easements.

(10) Method of serving individual parcels to be created with utilities.

(11) Lot layout, dimensions of each lot, and lot designations.

(12) The outline of any existing buildings to remain in place and their locations in relation to existing or proposed street and lot lines.

(c) Consistency with General Plan. A tentative parcel map shall not be approved or conditionally approved by the Planning Commission unless the Planning Commission finds that the proposed parcel map, together with the provisions for its design and improvements, is consistent with the General Plan and applicable specific plans of the City.

(d) Requirements for Approval. If the tentative parcel map complies with all of the requirements of this article and the Subdivision Map Act, the Planning Commission may approve the division, subject to the dedication of necessary right-of-way for streets and easements, the installation of all improvements along the frontages of the property so divided, as required by the Commission, and the installation of all necessary utilities and connections to each lot. All lot sizes shall conform to the provisions of the zoning regulations of the City of Modesto.

(e) Limitations on Approval. A tentative parcel map shall not be approved or conditionally approved by the Planning Commission if it makes any of the following findings:

(1) That the proposed map is not consistent with applicable general and specific plans.

(2) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(3) That the site is not physically suitable for the type of development.

(4) That the site is not physically suitable for the proposed density of development.

(5) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(6) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

(7) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the Planning Commission may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easement of record or to easements established by judgment of a court of competent jurisdiction.

(f) Improvements. If the Planning Commission approves the tentative parcel map it may require the construction of reasonable offsite and onsite improvements for the parcels being created. Requirements for the construction of such offsite or onsite improvements shall be noticed by certificate on the parcel map, on the instrument evidencing the waiver of such parcel map, or by separate instrument and shall be recorded on, concurrently with, or prior to the parcel map or instrument of waiver of a parcel map being filed for record. The construction of such improvements shall be required prior to the subsequent issuance of a permit or other grant of approval for the development of such parcel. The Planning Commission may require the fulfillment of such improvement requirements within a reasonable time following approval of the parcel map and prior to the issuance of a permit or other grant of approval for the development of a parcel upon a finding by the Planning Commission that fulfillment of the improvement requirement is necessary for reasons of:

(1) The public health and safety; or

(2) The required construction is a necessary prerequisite to the orderly development of the surrounding area.

If the improvements are required within such a time period, the Planning Commission may require an improvement security to be posted in one of the forms set forth in subsection (b) of Section 4-4.605.

(g) Requirement for Street Trees. As a condition of approval for parcel maps it is the policy of the City of Modesto to require street trees to be planted and maintained along the street frontages of the affected properties. In order to insure that such street trees conform to the City of Modesto Street Tree Plan, and that they are properly planted and maintained whenever street trees are required as a condition of approval of a parcel map, the applicant shall pay to the City of Modesto a sum for each street tree required. Such sum shall be established by resolution of the City Council adopted from time to time. Such sum shall be paid at the time of filing the parcel map. Upon the payment of such sum the City shall be responsible for planting and maintaining such street trees.

(h) Drainage Facilities. Whenever the City, by ordinance, has adopted a drainage plan for a particular drainage area, pursuant to Section 66483 of the Government Code of the State of California, each subdivider filing a parcel map for the division of land, any part of which is located within the boundaries of such a drainage area and the tentative map of which is filed after the effective date of the addition of this subsection, shall pay to the City at the time of the filing of the parcel map, as a condition of approval thereof, such fees as may be required by said ordinance. The Council may by resolutions or agreements adopted or entered into from time to time establish conditions under which such fees may be spread over a period of time.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 1977, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensingher, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

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

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1669-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of November, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger,
Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: Dunlap

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 21, 1977

AN ORDINANCE AMENDING SECTIONS 3-2.107, 3-2.206, 3-2.401 AND 3-2.1202 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE; ADDING SECTION 3-2.1017 THERETO; AND REPEALING SECTIONS 3-2.113, 3-2.203, 3-2.205 AND 3-2.602 THEREOF RELATING TO TRAFFIC REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 3-2.107, 3-2.206, 3-2.401 and 3-2.1202 of Chapter 2 of Title III of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 3-2.107. HOLIDAYS. For the purpose of this chapter only, holidays shall be as specified in Section 6700 of the California Government Code, as the same now exists or may hereafter be amended.

SEC. 3-2.206. EXEMPTIONS TO CERTAIN VEHICLES. The provisions of this chapter regulating the parking or standing of vehicles shall not apply to any vehicle owned or operated by the City when said vehicle is being used in the line of duty or to any vehicle owned by a public utility while necessarily in use for construction or repair work or any vehicle owned by the United States Postal Service while in use for the collection, transportation or delivery of United States mail.

SEC. 3-2.401. AUTHORITY TO PLACE AND OBEDIENCE TO TURNING MARKERS, INTERSECTIONS. MULTIPLE LANES. The Director is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections. The Director is authorized to allocate and indicate more than one lane of traffic from which drivers of vehicles may make right or left hand turns, and the course to be traveled as so indicated may conform to or be other than as prescribed by law.

SEC. 3-2.1202. PARKING TIME LIMITED. When authorized signs are in place giving notice thereof, no person shall stop, stand, or park any vehicle upon any street within the City between the hours designated by said sign on any day except Sunday for a period of time longer than so designated by said sign. Each period of overparking for more than the period stated on the time limit sign shall constitute a separate offense.

SECTION 2. AMENDMENT OF CODE. Section 3-2.1017 of Chapter 2 of Title III of the Modesto Municipal Code is hereby added to read as follows:

SEC. 3-2.1017. PARKING IN FIRE LANE. No person shall park or leave standing any vehicle in a fire safety lane on private or public property when such lane has been required by the City of Modesto and has been designated by appropriate signs or markings.

SECTION 3. REPEALS. Sections 3-2.113, 3-2.203, 3-2.205 and 3-2.602 of Chapter 2 of Title III of the Modesto Municipal Code are hereby repealed.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 1977, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

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

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1670-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of November, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 21, 1977

AN ORDINANCE AMENDING SECTION 3-8.12 OF CHAPTER 8 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO TRAFFIC REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 3-8.12 of Chapter 8 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-8.12. DRIVER'S LICENSE. No person shall operate an ambulance upon the streets of the City, and no license for operation of an ambulance shall permit it to be so driven at any time, for hire, unless the driver of said ambulance shall have first obtained and shall have then in force a current valid Class 3 driver's license issued by the State of California.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 1977, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensingher, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Kullijian

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

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1671-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of November, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: Dunlap

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 21, 1977

AN ORDINANCE AMENDING SECTION 3-2.1504 OF ARTICLE 15 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO PARKING METERS.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.1504 of Article 15 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.1504. TIME LIMITS AND RATES OF FEES. (a) It shall be unlawful for any person to permit any vehicle registered in his name or operated or controlled by him to be parked in any parking space in the parking meter zone for more than the time indicated by proper signs placed on the parking meter or zone indicating the maximum parking time allowed in such parking space. Each period of overparking for more than the period stated on the parking meter or time limit sign shall constitute a separate offense.

(b) It shall be unlawful for any person to permit any vehicle registered in his name or operated or controlled by him to be parked in any parking space controlled by a parking meter at any time during which the meter is displaying a signal indicating that the space is illegally in use, except during the time necessary to set the said meter to show legal parking. Each period of overparking while the meter is displaying said signal for more than the period stated on the parking meter or time limit sign constitutes a separate offense.

(c) The time limits for the parking of vehicles in parking meter zones shall be established by the Director based upon engineering surveys. The rate of fees for such parking shall be one cent (1¢) per twelve (12) minutes or fraction thereof.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 1977, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

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

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM: Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

Ord. No. 1672-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of November, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 21, 1977

AN ORDINANCE AMENDING SECTIONS 3-2.1601, 3-2.1602, 3-2.1603, 3-2.1604, AND 3-2.1605 OF ARTICLE 16 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE AND ADDING SECTION 3-2.1608 THERETO, RELATING TO OFF-STREET PARKING FACILITIES.

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

SECTION 1. AMENDMENT OF CODE. Sections 3-2.1601, 3-2.1602, 3-2.1603, 3-2.1604, and 3-2.1605 of Article 16 of Chapter 2 of Title III of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 3-2.1601. ESTABLISHMENT. The City Council may from time to time establish and designate municipal off-street parking facilities in the City by resolution of the Council. There shall be four (4) types of facilities:

- (a) Parking meter lots.
- (b) Parking attendant lots.
- (c) Parking ticket lots.
- (d) Free parking lots.

SEC. 3-2.1602. TIME OF OPERATION. The hours and days upon which the operation of off-street parking facilities shall be effective shall be established from time to time by resolution of the Council which regulations shall be effective when so designated by appropriate markings or signs posted on said facilities.

SEC. 3-2.1603. RATES OF FEES. The rates for use of off-street parking facilities shall be established from time to time by resolution of the Council which regulations shall be effective when so designated by appropriate markings or signs posted on said facilities.

SEC. 3-2.1604. VALIDATION. Tickets for vehicles parked on parking attendant lots during the time that attendant parking is in effect may be validated by means of validation stamps affixed to such tickets. Such stamps shall be sold in advance. Each validation stamp affixed to the parking ticket shall be good for parking for one hour or fraction thereof without additional charge. The price for purchase of validation stamps for use on parking attendant lots shall be established from time to time by resolution of the Council.

SEC. 3-2.1605. OBEDIENCE TO SIGNS POSTED. It shall be unlawful for any person to cause, allow, permit, or suffer any vehicle registered in his name, or operated or controlled by him, to be parked in any off-street parking facility without paying the rate for the use of said lot as established from time to time by resolution of the council and designated by appropriate markings or signs posted on said lot.

SECTION 2. AMENDMENT OF CODE. Section 3-2.1608 is hereby added to Article 16 of Chapter 2 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-2.1608. PARKING IN DESIGNATED SPACES. Where lines or other markings are used to designate parking spaces on an off-street parking facility, subject to other more restrictive limitations, no vehicle shall be stopped, left standing, or parked on such facility other than within a single marked space unless the size or shape of such vehicle makes compliance impossible.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 1977, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers:

ABSENT: Councilmembers:

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1673-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of November, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

APPROVED

Lee H. Davies
LEE H. DAVIES, MAYOR

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 21, 1977

AN ORDINANCE AMENDING THE PARKING METER ZONING MAP OF THE CITY OF MODESTO.

WHEREAS, Section 3-2.1501 of the Modesto Municipal Code provides that changes in the boundaries of the parking meter zones shall be made by ordinance adopting an amended Parking Meter Zoning Map, or section or unit thereof.

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

SECTION 1. PARKING METER ZONING MAP. The Parking Meter Zoning Map of the City of Modesto is hereby amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 1977, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers:

ABSENT: Councilmembers:

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ordinance 1674 C.S.
Exhibit A – Map

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

Ord. No. 1674-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of November, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: Dunlap

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

ATTEST: *Norrine Coyze*
NORRINE COYZE, City Clerk

EFFECTIVE DATE: December 21, 1977

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN
AS THE PARADISE-ROUSE ADDITION TO
THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by Gary E. Bright, Betty Bright, Silas W. Green, Ollie M. Green, Leo Valdiva, Teresa Valdiva, Troy L. Harris, and Dorothy L. Harris,

on September 13, 19 77, to annex to the City of Modesto under the provisions of the Annexation of Uninhabited Territory Act of 1939, as amended, certain uninhabited territory, hereinafter described and designated as the Paradise-Rouse Addition, situated in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 19th day of September, 19 77, set said petition for hearing at the hour of 7:30 o'clock P.M. on the 14th day of November, 19 77, in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so finds that a copy of the resolution giving notice of the proposed annexation and fixing the time and place for hearing objections to the proposed annexation was published in newspapers of general circulation, to wit: The Modesto Bee, a newspaper published in the City of Modesto on September 27, 19 77, and on October 4, 19 77; and in The Ceres Courier, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on September 28, 19 77, and on October 5, 19 77, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto to each person to whom land within the territory proposed to be annexed was assessed on the last equalized assessment roll available on the date the proceedings were initiated, at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing,

and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, the Stanislaus County Local Agency Formation Commission did on August 24, 19 77, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 14th day of November, 19 77, at the hour of 7:30 o'clock P.M., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, said territory is contiguous to the City of Modesto and is uninhabited territory in the County of Stanislaus,

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

SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

SECTION 2. The area or territory so annexed, designated as the Paradise-Rouse Addition, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

SECTION 4. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this ordinance.

SECTION 5. The City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, six certified copies of this ordinance, stating the date of its passage, to immediately make six copies of

the boundary description of the annexation; and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the executive officer of the Stanislaus County Local Agency Formation Commission together with a payment of all fees required by California Government Code Section 54902.5.

SECTION 6. The City Clerk is hereby authorized and directed to comply with the provisions of Sections 34080, 34081 and 54900 through 54904, both inclusive, of the Government Code of the State of California relating respectively to the filing of an affidavit of completion of annexation proceedings and the filing of a statement of change of boundary.

SECTION 7. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall become effective immediately upon its adoption.

SECTION 8. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 19 77, by Councilmember Kullijian, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES:	Councilmembers:	Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dunlap

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

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Ron Campbell
Public Works Department

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PARADISE-ROUSE ADDITION

All that real property in the State of California, County of Stanislaus, being portions of the Northeast quarter of Section 6, Township 4 South, Range 9 East, and the Southeast quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southernmost point of the GANT ADDITION (138), as per description filed October 18, 1962, as Instrument 39842, Stanislaus County Records, said point being the Northwestern corner of PARADISE CENTER NO. 2 ADDITION (92), as per description filed April 14, 1959, as Instrument 10647, Stanislaus County Records, said point also being the Northernmost point of NAVON ADDITION (110), as per description filed June 29, 1960, as Instrument 18294, Stanislaus County Records, said point also being on the Southeastern line of 66.00 foot Paradise Road;

1. thence along the Northwestern line of said ADDITION (110) and Southeastern line of said 66.00 foot Paradise Road, South 49° 17' 00" West, 379.47 feet, to the Westernmost point of said ADDITION (110), said point being the Southeastern corner of said 66.00 foot Paradise Road and 60.00 foot Chicago Avenue, said point also being on the boundary of PARADISE CENTER ADDITION (80), as per description filed May 21, 1958, as Instrument 12573, Stanislaus County Records;
2. thence along a Northwestern line of said ADDITION (80) and continuing along said Southeastern line of 66.00 foot Paradise Road, South 49° 17' 00" West, 957.23 feet;
3. thence continuing along the boundary of said ADDITION (80) South 89° 05' 00" West, 12.50 feet;
4. thence South 49° 17' 00" West, 111.66 feet, to the Western line of said ADDITION (80);
5. thence along said Western line, South 01° 00' 00" East, 375.45 feet, to the Southwestern corner of said ADDITION (80);
6. thence along the Southern line of said ADDITION (80), North 89° 00' 00" East, 190.00 feet, to a Northwestern corner of HUDSON-UCCELLO ADDITION (51), as per description filed August 28, 1953, as Instrument 21233, Stanislaus County Records;
7. thence along the boundary of said ADDITION (51), South 01° 00' 00" East, 164.00 feet;
8. thence South 89° 00' 00" West, 190 feet;
9. thence South 01° 00' 00" East, 696.32 feet, to the Southwestern corner of said ADDITION (51), said Southwestern corner being on the Northern line of 60.00 foot Rouse Avenue;
10. thence along the Southern line of said ADDITION (51) and said Northern line of 60.00 foot Rouse Avenue, North 89° 00' 00" East, 290.35 feet, to the Northwestern corner of KAZMIR COURT ADDITION (245), as per description filed December 1, 1969 as Instrument 39361, Stanislaus County Records;
11. thence along the Western line of said ADDITION (245), said Western line being 20.00 feet East of the West line of 30.00 foot Yvonne Lane and its Northernly extension, South 00° 27' 00" East, 768.93 feet, to the Southeastern corner of the property conveyed to Silas W. Green, et ux, by deed recorded October 1, 1974, as Instrument 13077, Stanislaus County Records;

12. thence leaving the existing City Limits along a Southern line of said Green property, South $82^{\circ} 19' 50''$ West, 489.20 feet, to the Southwestern corner of said Green property;
13. thence along a Western line of said Green property and its Northerly extension, North $00^{\circ} 21' 46''$ West, 796.40 feet, to the center line of 60.00 foot Rouse Avenue;
14. thence along said center line of 60.00 foot Rouse Avenue, South $89^{\circ} 00' 00''$ West, 444.20 feet, to the Southerly extension of the Western line of the property conveyed to Gary Gervasoni, et ux, by deed recorded November 27, 1973, as Instrument 20853, Stanislaus County Records;
15. thence along said Western line and its Southerly extension of said Gervasoni property, North $01^{\circ} 27' 34''$ West, 397.08 feet, to the Southeastern corner of the property conveyed to Gary E. Bright, et us, by deed recorded February 27, 1968, as Instrument 6180, Stanislaus County Records;
16. thence along the Southern line of said Bright property, South $86^{\circ} 55' 55''$ West, 127.05 feet, to the Southwestern corner of said Bright property;
17. thence along the Western line of said Bright property and its Northerly extension, North $00^{\circ} 47' 09''$ West, 267.65 feet, to the center line of 66.00 foot Paradise Road;
18. thence along said center line, North $49^{\circ} 17' 00''$ East, 2459.81 feet, to a point on the existing City Limits as established by the intersection of the center line of 66.00 foot Paradise Road at the Western boundary of said ADDITION (138);
19. thence along the existing City Limits on said Western boundary of ADDITION (138), South $03^{\circ} 37' 30''$ East, 41.37 feet, to the point of beginning, containing 26.635 Acres, more or less.

AN ORDINANCE AMENDING SECTION MAP 30-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (HORN CONSTRUCTION COMPANY)

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

SECTION 1. ZONING CHANGE. Section 30-3-9 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 (173):

ALL that certain real property situated in Lot 18, Map of the Maze Ranch Subdivision, recorded in Volume 4 of Maps at Page 18, Stanislaus County Records, in Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, located in the City of Modesto, County of Stanislaus, State of California, described as follows:

BEGINNING at the Southwest corner of Pioneer Village No. 1 recorded in Volume 26 of Maps at Page 80, Stanislaus County Records; said point being on the North right-of-way line of Modesto Irrigation District Lateral No. 4; thence South $86^{\circ} 55' 40''$ West along said North right-of-way, a distance of 578.81 feet to a point on a curve concave to the East, said point also being on the Easterly right-of-way line of Carpenter Road; thence Northerly along the Easterly right-of-way line of Carpenter Road 36.09 feet along said curve having a radius of 1955 feet and a central angle of $1^{\circ} 03' 28''$; thence North $4^{\circ} 14' 40''$ East 510.89 feet to a tangent curve concave to the West; thence Northerly 180.29 feet along said tangent curve having a radius of 2045 feet and a central angle of $5^{\circ} 03' 05''$; thence North $0^{\circ} 48' 25''$ West 43.20 feet; thence leaving the Easterly right-of-way line of Carpenter Road, North $44^{\circ} 42' 39''$ East, 35.67 feet; thence North $0^{\circ} 14' 00''$ East 10.00 feet to a point on the South right-of-way line of Elm Avenue, said right-of-way line being 20.00 feet South of the centerline of Elm Avenue; thence South $89^{\circ} 46' 00''$ East along said right-of-way line a distance of 500.73 feet to the Northwest corner of Pioneer Village No. 1; thence South $0^{\circ} 31' 58''$ East along the West line of Pioneer Village No. 1 a distance of 771.17 feet to the point of beginning.

INCLUDING also the Northerly 50.00 feet of M.I.D. Lateral No. 4 Canal, the Easterly 45.00 feet of Carpenter Road and the Southerly 20.00 feet of Elm Avenue all being immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D (173) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. A neighborhood shopping center with only those uses permitted within the C-1 Zone.
2. An offstreet parking area.

SECTION 3. ZONING MAP. Section Map 30-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 1977, by Councilmember Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap, Mensinger

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Orin
Department of Planning and
Community Development

**Ordinance 1676 C.S.
Exhibit A – Map**

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

Ord. No. 1676-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28th day of November, 1977, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: Mensinger

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 28, 1977

AN ORDINANCE REPEALING ORDINANCE NO. 763-C.S. OF THE CITY OF MODESTO AND AMENDING SECTION MAP 23-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (P-D(22)).

WHEREAS, by Ordinance No. 763-C.S., effective January 19, 1966, the Council of the City of Modesto rezoned to Planned-Development Zone, P-D(22), property hereinafter described, and

WHEREAS, by Resolution No. 65-654, adopted on December 6, 1965, the Council of the City of Modesto approved a Development Plan for P-D(22) specifying that construction was to be in three phases, and

WHEREAS, the first phase of development has been built for a considerable time, and

WHEREAS, on February 23, 1967, by Resolution No. 67-16, the Planning Commission granted a first two-year time extension for Phase II and Phase III, and

WHEREAS, on February 4, 1969, by Resolution No. 69-16, the Planning Commission granted an additional five-year time extension for Phases II and III, and

WHEREAS, on April 2, 1974, by Resolution No. 74-51, the Planning Commission granted an additional one-year extension to Phase II to coincide with Phase III thereby requiring construction of both Phases II and III to begin and be completed concurrently, and

WHEREAS, on March 4, 1975, by Resolution No. 75-33, the Planning Commission granted a two-year time extension specifying that both Phases II and III were to begin on or before March 1, 1977, and

WHEREAS, the property owner has not met said approved development schedule, and

WHEREAS, Section 10-2.2709(c) of the Modesto Municipal Code provides that if the owner or owners of the property in a Planned Development Zone have failed to meet the approved development schedule, the Planning Commission shall initiate proceedings to repeal the Planned Development Zone, and

WHEREAS, on September 20, 1977, the Planning Commission initiated proceedings to amend Section 23-3-9 of the Zoning Map to repeal Planned Development Zone, P-D(22), and rezone the hereinafter described property to Neighborhood Commercial Zone, C-1, and

WHEREAS, after public hearing held on September 20, 1977, the Planning Commission found and determined that the repeal of P-D(22) and reclassifying of the hereinafter described property as initiated is required by public necessity, convenience and general welfare for the following reasons:

1. Having received much extended time for development, the P-D Zone has expired and there are no apparent plans to develop the property under the P-D Zone.
2. The recently revised C-1 Zone, to which the property will revert, has built-in specifications to assure compatibility with nearby residential development including 8-foot wall requirement and building and parking lot setbacks.

and

WHEREAS, by Resolution No. 77-176, adopted on September 20, 1977, the Planning Commission recommended to the Council that the proposal of the Planning Commission to repeal Ordinance No. 763-C.S. and to amend Section 23-3-9 of the Zoning Map to reclassify the hereinafter described property from Planned Development Zone, P-D(22), to Neighborhood Commercial Zone, C-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 November 14, 1977, at 7:40 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the recommended rezoning and repealing of Ordinance No. 763-C.S. is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the reasons set forth in Planning Commission Resolution No. 77-176 and quoted above.

SECTION 2. REPEAL OF ORDINANCE. Ordinance No. 763-C.S. adopted by the Council of the City of Modesto is hereby repealed.

SECTION 3. ZONING CHANGE. Section 23-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(22), to Neighborhood Commercial Zone, C-1:

ALL that portion of Section 23, Township 3 South, Range 9 East of the Mount Diablo Base and Meridian, described as follows:

BEGINNING at the Northeast corner of Block 1405 and running thence South 89° 53' 15" West 245.04 feet to the Northeast corner of the parcel of land described in the Deed to Union Oil Company of California, a corporation, recorded July 16, 1965, in Book 2044 of Official Records, Page 536; thence along the East and South lines of said last mentioned parcel of land, South 135 feet and West 135 feet to the West line of said Block 1405; thence along the exterior boundary of said Block 1405 the following courses and distances: South 0° 51' 45" East 143.43 feet; North 89° 08' 15" East 125.00 feet; South 0° 51' 45" East 181.78 feet; North 89° 57' 15" East 255.03 feet and North 0° 51' 45" West 458.87 feet to the point of beginning; including also the easterly one-half of Old Oakdale Road immediately adjacent to the property requested for rezoning, the southerly one-half of Surrey Avenue and the north-south alley bordering the eastern boundary of the property requested for rezoning.

SECTION 4. ZONING MAP. Section 23-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 6. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 1977, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Dunlap

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William P. ...
Department of Planning & Community Development

Ordinance 1677 C.S.
Exhibit A – Map

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

Ord. No. 1677-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28th day of November, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 28, 1977

1. The property is located on Downey Avenue, a major street.
2. P-O Zoning of the property would provide a logical transition from the McHenry Avenue commercial strip to the west and the residentially zoned area to the east.
3. Prior to the development of any structures on the site, a plot plan for the project would have to be reviewed and approved by the Board of Zoning Adjustment, thus assuring compatibility of the project with adjacent land uses.

SECTION 2. ZONING CHANGE. Section 28-3-9 of the Zoning

Map is hereby amended to reclassify the following described property

from Multiple Family Residential Zone, R-3,
 to Professional Office Zone, P-O:

ALL that portion of Block 568 of Section 28, Township 3 South, Range 9 East of the Mount Diablo Base and Meridian, according to the map filed December 21, 1942, in Volume 15 of Maps in the office of the Recorder for Stanislaus County, State of California, described as follows:

BEGINNING one foot West of the Southeast corner of Lot 10 in said Block; thence East 122 feet to a point 4 feet West of the East line of Lots 15 and 35 of said Block; thence North along a line 4 feet west of and parallel to the Eastern line of Lots 15 and 35, to the South line of Jones Street; thence West 81.33 feet along said South line of Jones Street to a point 18.66 feet East of the Northwest corner of Lot 38 of said Block; thence South 132 feet parallel with the West line of Lot 38; thence West parallel with the centerline of said Block 40.66 feet to a point one foot west of the East lot line of Lot 40 of said Block; thence South along a line one foot West of the East line of Lot 40 to the centerline of said Block; thence continuing South along said line, one foot west of the East line of Lot 10, to the point of the beginning. Also including the northern 40 feet of Downey Avenue immediately adjacent to the above described property; also the Southern 24.75 feet of Jones Street immediately adjacent to the above described property.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 1977, by Councilmember Kullijian; who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: Siefkin

ABSENT: Councilmembers: Dunlap

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William P. Nichols
Department of Planning and Community
Development

Ordinance 1678 C.S.
Exhibit A – Map

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

Ord. No. 1678-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28th day of November, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

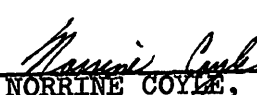
AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,
Mensingher, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: Siefkin

APPROVED



LEE H. DAVIES, MAYOR

ATTEST:



NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 28, 1977

AN ORDINANCE AMENDING SECTION MAP 26-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (ALLEN GRANT, INC.)

WHEREAS, a verified application for an amendment to Section 26-3-9 of the Zoning Map was filed by Allen Grant, Inc. on July 18, 1977, to rezone from Planned Development Zone, P-D(77), to Professional Office Zone, P-O, property located on the north side of Yosemite Boulevard west of Capistrano Drive, extended, described as follows:

A portion of Section 26, Township 3 South, Range 9 East, Mount Diablo Base and Meridian in the City of Modesto, Stanislaus County, California, described as follows:

Beginning at the point on the North line of Yosemite Boulevard on the Northerly prolongation of the center-line of Beard Avenue, which said point of beginning is located North $0^{\circ} 33' 30''$ West 33.00 feet and South $89^{\circ} 53' 24''$ East 1321.00 feet from the South Quarter corner of said Section 26 and proceeding thence from said point of beginning, North $0^{\circ} 32' 50''$ West 451.01 feet;

Thence 195.46 feet along the arc of a 400 foot radius curve, concave to the East and subtended by a central angle of $27^{\circ} 59' 50''$ and having a chord bearing of North $13^{\circ} 27' 05''$ East with a chord length of 193.52 feet;

Thence North $27^{\circ} 27'$ East 31.15 feet;

Thence North $89^{\circ} 53' 24''$ West 545.92 feet;

Thence South $0^{\circ} 33' 30''$ East 666.99 feet to a point on the aforementioned North line of Yosemite Boulevard;

Thence, along the said North line, South $89^{\circ} 53' 24''$ East 484.35 feet to THE POINT OF BEGINNING.
Containing: 7.351 Acres

WHEREAS, a public hearing was held on said application before the Planning Commission at its meeting of August 16, 1977, 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, thereafter the Planning Commission adopted Resolution No. 77-155 determining that rezoning of the property as requested was not required by public necessity, convenience, and general welfare for the reasons set forth in said Planning Commission Resolution No. 77-155,

and denied the application of Allen Grant, Inc. for an amendment to Section 26-3-9 of the Zoning Map to rezone the property described above from Planned Development Zone, P-D(77), to Professional Office Zone, P-0, and

WHEREAS, an appeal to the decision of the Planning Commission was filed with the City Council of the City of Modesto by Allen Grant, Inc. by a letter dated August 22, 1977, and

WHEREAS, on September 6, 1977, the City Council, by Resolution No. 77-895, set said appeal for a public hearing on October 3, 1977, and

WHEREAS, at the request of Allen Grant, Inc. the Council continued said public hearing to October 24, 1977 at 7:30 p.m. and, thereafter, at the request of Allen Grant, Inc. the Council continued said public hearing to November 14, 1977 at 8:05 p.m., and

WHEREAS, at the public hearing the applicant requested approval for a smaller area of P-D(77) to be rezoned to professional office zone, P-0, said smaller area being hereinafter described, and

WHEREAS, said modified request is for P-0 zoning for only a 300 feet depth from Yosemite Boulevard rather than the original 667 feet depth, and

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

SECTION 1. FINDINGS. The Council, after hearing and considering evidence both oral and documentary, finds and determines that the appeal of Allen Grant, Inc. to the decision of the Planning Commission for an amendment to Section 26-3-9 of the Zoning Map, as modified, to rezone the hereinafter described property from Planned Development Zone, P-D(77), to Professional Office Zone, P-0, should be granted for the following reasons:

1. The subject property lies between a large H-1 zoned property and an R-3 zoned multiple-family residential property and the reduced area, under P-0 zoning, will provide an attractive land use transition with diminishing intensity between these different zones.

2. P-0 zoning to a 300 foot depth from Yosemite Boulevard would reasonably conform to the Modesto Urban Area General Plan and would leave a reasonable land area in P-D(77) which is well suited for multiple-family residential development in an area of high employment potential,

SECTION 2. APPEAL OF PLANNING COMMISSION DECISION GRANTED IN PART. The appeal of Allen Grant, Inc. from the decision of the Planning Commission for an amendment to Section 26-3-9 of the Zoning Map to rezone the following described property from Planned Development Zone, P-D(77), to Professional Office Zone, P-0, is hereby granted and the decision of the Planning Commission is overruled for the reasons set forth above:

A portion of the Southwest Quarter of Section 26, Township 3 South, Range 9 East M.D. B. & M. in Stanislaus County, California, described as follows:

The Southerly 334.0 feet of the following described property:

Beginning at a point on the North line of Yosemite Avenue on the Northerly prolongation of the centerline of Beard Avenue, which said point of beginning is located North $0^{\circ} 33' 30''$ West 33.00 feet and South $89^{\circ} 53' 24''$ East 1321.00 feet from the South Quarter corner of said Section 26, and proceeding thence from said point of beginning along the said Northerly line of Yosemite Avenue North $39^{\circ} 53' 24''$ West 491.00 feet; thence North $0^{\circ} 33' 30''$ West 667.00 feet; thence South $89^{\circ} 53' 24''$ East 552.57 feet; thence South $27^{\circ} 27'$ West 31.16 feet; thence 195.46 feet along the arc of a 400-foot radius curve concave to the East, subtended by a central angle of $27^{\circ} 59' 50''$ and having a chord bearing of South $13^{\circ} 27' 05''$ West with a chord length of 182.21 feet; thence South $0^{\circ} 32' 50''$ East 451.00 feet, more or less to the point of beginning, containing 7.62 acres.

SECTION 3. APPEAL OF PLANNING COMMISSION DECISION DENIED IN PART. The appeal of Allen Grant, Inc. from the decision of the Planning Commission as to that portion of the property not included in the revised request is hereby denied at the request of the applicant.

SECTION 4. ZONING CHANGE. Section 26-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(77), to Professional Office Zone, P-O:

A portion of the Southwest Quarter of Section 26, Township 3 South, Range 9 East M.D. B. & M. in Stanislaus County, California, described as follows:

The Southerly 334.0 feet of the following described property:

Beginning at a point on the North line of Yosemite Avenue on the Norhterly prolongation of the centerline of Beard Avenue, which said point of beginning is located North $0^{\circ} 33' 30''$ West 33.00 feet and South $89^{\circ} 53' 24''$ East 1321.00 feet from the South Quarter corner of said Section 26, and proceeding thence from said point of beginning along the said Northerly line of Yosemite Avenue North $89^{\circ} 53' 24''$ West 491.00 feet; thence North $0^{\circ} 33' 30''$ West 667.00 feet; thence South $89^{\circ} 53' 24''$ East 552.57 feet; thence South $27^{\circ} 27' 50''$ West 31.16 feet; thence 195.46 feet along the arc of a 400-foot radius curve concave to the East, subtended by a central angle of $27^{\circ} 59' 50''$ and having a chord bearing of South $13^{\circ} 27' 05''$ West with a chord length of 182.21 feet; thence South $0^{\circ} 32' 50''$ East 451.00 feet, more or less to the point of beginning, containing 7.62 acres.

SECTION 5. ZONING MAP. Section 26-3-9 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 6. 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 7. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 1977, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian,

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

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

NOES: Councilmembers: Mensinger, Siefkin

ABSENT: Councilmembers: Dunlap

APPROVED:

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By

Altham Richards
Department of Planning and
Community Development

**Ordinance 1679 C.S.
Exhibit A – Map**

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

Ord. No. 1679-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 12th day of December, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Siefkin

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 11, 1978

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN
AS THE ORANGEBURG-FRANSEN ADDITION TO
THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by David H. Cowles,
Ruth Cowles, Gwendolyn Truesdail, Wm. Truesdail, Raymond S. Walters, Donald
R. Jensen, Ellen Jensen, Rosemarie Walters, Sidney Boyle and Karen Boyle

on September 27 |, 19 77, to annex to the City of Modesto under the
provisions of the Annexation of Uninhabited Territory Act of 1939, as amended,
certain uninhabited territory, hereinafter described and designated as the
Orangeburg-Fransen Addition, situated in the County of
Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 3rd day of
October, 19 77, set said petition for hearing at the hour of 4:00
o'clock P.M. on the 21st day of November, 19 77, in the Council
Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so finds that a
copy of the resolution giving notice of the proposed annexation and fixing the
time and place for hearing objections to the proposed annexation was published
in newspapers of general circulation, to wit: The Modesto Bee, a newspaper
published in the City of Modesto on October 7, 19 77, and on October 14,
19 77; and in The Riverbank News, a newspaper published outside
the City of Modesto, but in the County of Stanislaus, on October 12, 19 77,
and on October 19, 19 77, for the time and in the manner required by
law, which publications were completed at least twenty (20) days prior to the
date set for hearing; that written notice of the proposed annexation has been
mailed by the City Clerk of the City of Modesto to each person to whom land
within the territory proposed to be annexed was assessed on the last equalized
assessment roll available on the date the proceedings were initiated, at the
address as shown thereon, or as known to said Clerk, and to any person who
has filed his name and address and the designation of the lands in which he
has any interest, either legal or equitable, with said Clerk, which notices were
mailed not less than twenty (20) days before the date set for public hearing,

and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, the Stanislaus County Local Agency Formation Commission did on September 21, 19 77, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 21st day of November, 19 77, at the hour of 4:00 o'clock P.M., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, said territory is contiguous to the City of Modesto and is uninhabited territory in the County of Stanislaus,

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

SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

SECTION 2. The area or territory so annexed, designated as the Orangeburg-Fransen Addition, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

SECTION 4. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this ordinance.

SECTION 5. The City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, six certified copies of this ordinance, stating the date of its passage, to immediately make six copies of

the boundary description of the annexation; and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the executive officer of the Stanislaus County Local Agency Formation Commission together with a payment of all fees required by California Government Code Section 54902.5.

SECTION 6. The City Clerk is hereby authorized and directed to comply with the provisions of Sections 34080, 34081 and 54900 through 54904, both inclusive, of the Government Code of the State of California relating respectively to the filing of an affidavit of completion of annexation proceedings and the filing of a statement of change of boundary.

SECTION 7. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall become effective immediately upon its adoption.

SECTION 8. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of November, 19 77, by Councilmember Lang, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: Dunlap

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

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By R. Campbell
Public Works Department

ORANGEBURG-FRANSEN ADDITION

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

Beginning at a point on the existing City Limits as established by the Southwestern corner of EAST ORANGEBURG NO. 6 ADDITION (331), as per map filed May 8, 1975, as Instrument 43098, Stanislaus County Records;

1. thence along the existing City Limits on a Northern line of SPRING CREEK ADDITION (325), as per map filed January 15, 1975, as Instrument 26879, Stanislaus County Records, South $64^{\circ} 37' 34''$ West 359.98 feet;
2. thence along an Eastern line of ORANGEBURG-LILLIAN ADDITION (302), as per map filed March 22, 1973, as Instrument 40448, Stanislaus County Records, North $0^{\circ} 52' 54''$ West 1322.68 feet;
3. thence leaving the existing City Limits along the center line of 40.00 foot East Orangeburg Avenue North $89^{\circ} 21' 00''$ East, 328.06 feet;
4. thence along the Western line of said Addition (331) South $0^{\circ} 51' 30''$ East, 1172.11 feet, to the point of beginning, containing 9.387 acres, more or less.

AN ORDINANCE AMENDING SECTION MAP 16-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(SIERRA VISTA CONGREGATION OF JEHOVAH'S WITNESSES)

WHEREAS, a verified application for an amendment to Section
16-3-9 of the Zoning Map was filed by Sierra Vista Congregation
of Jehovah's Witnesses
on August 18, 19 77, 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 September 20, 19 77,
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. 77-175, adopted on September 20,
19 77, the Planning Commission recommended to the Council that the applica-
tion of Sierra Vista Congregation of Jehovah's Witnesses
to amend Section 16-3-9 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
November 21, 19 77, in the City Council Chambers, City Hall, 801
11th Street, Modesto, California, this Council finds and determines that the
requested rezoning is in accordance with the general plan and will serve the
public health, safety and general welfare and provide the economic and social
advantages resulting from orderly, planned use of land resource for the
following reasons:

1. ~~The subject property fronts on two important collector streets which contain other similar traffic-generating residential and institutional uses.~~
2. The proposed R-2 rezoning does not overload the density pattern specified in the Standiford Neighborhood Zoning and Development Policy previously adopted by the Planning Commission.
3. The proposed R-2 rezoning would allow medium density residential development offering a varied housing type for the Standiford Neighborhood, as outlined in the General Plan.

SECTION 2. ZONING CHANGE. Section 16-3-9 of the Zoning

Map is hereby amended to reclassify the following described property

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

Being a portion of the Southeast one-quarter of Section 16, Township 3 South, Range 9 East, of the Mount Diablo Base and Meridian, described as follows:

ALL of Parcels A and B as shown on the map recorded in Volume 25 of Parcel Maps at Page 30, in the Stanislaus County Records;

INCLUDING also the Southerly 30.0 feet of Norwegian Avenue and the Easterly 30.0 feet of Sunrise Avenue all being immediately adjacent to the above described property.

Contains 0.42 gross acres
Contains 0.36 net acres

SECTION 3. ZONING MAP. Section 16-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of November, 19 77, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Cliffham Prutts
Department of Planning and Community
Development

Ordinance 1681 C.S.
Exhibit A – Map

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

Ord. No. 1681-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the ^{adjourned} regular meeting of the Council of the City of Modesto held on the 8th day of December, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED


LEE H. DAVIES, MAYOR

ATTEST: 
NORRINE COYZE, City Clerk

EFFECTIVE DATE: January 7, 1978

AN ORDINANCE AMENDING SECTION MAP 26-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-
FYING CERTAIN PROPERTY LOCATED THEREON. (GRANT
CONSTRUCTION COMPANY)

The Council of the City of Modesto does ordain as fol-
lows:

SECTION 1. ZONING CHANGE. Section 26-3-9 of the
Zoning Map is hereby amended to reclassify the following-described
property from General Commercial Zone, C-2,
to Planned-Development Zone, P-D (174):

ALL that portion of the East one-half of the Southeast quarter of the
Southwest quarter of Section 26, Township 3 South, Range 9 East, Mount
Diablo Base and Meridian in the County of Stanislaus, State of California,
and more particularly described as follows:

COMMENCING at the South quarter corner of said Section 26, said point of
commencement being on the centerline of the State Highway 132, 66 feet
in width, known as Yosemite Blvd.; thence along the South line of said
Section 26 North 89° 54' 15" West 456.51 feet; thence North 0° 34' 45"
West 33.00 feet to a point on the North line of said Yosemite Boulevard
that is distant thereon South 89° 54' 15" East 100 feet from the Southeast
corner of the property conveyed to Dave E. Wilson, et al, by Deed recorded
June 4, 1958, as Instrument No. 13548, and the true point of beginning of
this description; thence continuing North 0° 34' 45" West parallel to the
East line of said Wilson property and the Northerly extension of said
East line 375.66 feet to a point on the Easterly extension of the South
line of Los Altos Tract as said tract is recorded in Volume 17 of Maps at
Page 45 of Stanislaus County Records; thence along said easterly extension
South 89° 54' 30" East 114.00 feet; thence South 0° 34' 45" East 375.67
feet to a point on said North line of Yosemite Boulevard; thence along
said road line North 89° 54' 15" West 114.00 feet to the true point of
beginning of this description. RESERVING therefrom a right-of-way for
utility purposes over the Westerly 2.50 feet thereof. Also including
the Northerly 33 feet of Yosemite Boulevard immediately adjacent to the
above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D (174) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. Bread sales and distribution establishment
2. Other uses allowed in the C-2 Zone
3. An off-street parking area

SECTION 3. ZONING MAP. Section Map 26-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of November, 1977, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William (Mike) ...
Department of Planning and
Community Development

Ordinance 1682 C.S.
Exhibit A – Map

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

Ord. No. 1682-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the ^{adjourned} regular meeting of the Council of the City of Modesto held on the 8th day of December, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 7, 1978

AN ORDINANCE AMENDING SECTION 3-2.1509 OF ARTICLE 15 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO PARKING METER VIOLATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.1509 of Article 15 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.1509. ENFORCEMENT. It shall be the duty of each police officer to take the number of any meter at which any vehicle is overparked, as provided in this article, the State vehicle license number of such vehicle, the time and date of such over parking, and the make of such vehicle and issue, in writing, and attach to such vehicle a citation for illegal parking in the same form and subject to the same procedure provided for by laws of the State of California applicable to the traffic violations within said City.

Any operator or owner of a vehicle to whom a citation has been issued may, within twenty-four (24) hours of the time of the issuance of said citation, pay to the Clerk of the Municipal Court in the Traffic Violation Bureau of the City as a penalty for, and in full satisfaction of such violation the sum of Two and no/100ths (\$2.00) Dollars. The failure of such owner or operator to make such payment within said twenty-four (24) hours shall render such owner or operator subject to the penalties provided for in this Code for violation of the provisions of this article.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of November, 1977, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle
Norrine Coyle, City Clerk

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

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1683-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final adjourned consideration at the/regular meeting of the Council of the City of Modesto held on the 8th day of December, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 7, 1978

AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-
FYING CERTAIN PROPERTY LOCATED THEREON. (RODNEY R.
JOHNSON)

The Council of the City of Modesto does ordain as fol-
lows:

SECTION 1. ZONING CHANGE. Section 21-3-9 of the
Zoning Map is hereby amended to reclassify the following-described
property from Low Density Residential Zone, R-1,
to Planned-Development Zone, P-D (175) :

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

PARCEL I:

The East half of the Northeast quarter of the Northeast quarter of the Northwest
quarter of Section 21 in Township 3 South, Range 9 East, Mount Diablo Base and
Meridian.

EXCEPTING THEREFROM the East 155 feet of the South 504 feet and West 175 feet of
the South 267 feet of the above described property.

PARCEL II

The East 104 feet of the following described parcel of land:
COMMENCING at the Northwest corner of the Northeast quarter of the Northeast
quarter of the Northwest quarter of said Section 21; thence East, along the North
line of said Section 21, 165 feet to the point of beginning of this description;
thence South 390 feet, more or less, to the center of a pipe line (formerly a ditch);
thence East, along the center of said pipe line, 165 feet to a point on the West
line of the property conveyed to Richard C. Phillips and Emma E. Phillips, his
wife, by Deed dated October 20, 1920, and recorded October 23, 1920, in Volume 325
of Deeds, at Page 70; thence North along the West line of said Phillips property,
390 feet to the North line of said Section 21; thence West, along the North line
of said Section 21, 165 feet to the point of beginning.

EXCEPTING THEREFROM the Northerly 205 feet of the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(175) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. A maximum of 36 one-story apartment dwelling units.
2. An off-street parking area.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Smith
Department of Planning and
Community Development

Ordinance 1684 C.S.
Exhibit A – Map

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

Ord. No. 1684-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 12th day of December, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Siefkin

APPROVED

Lee H. Davies
LEE H. DAVIES, MAYOR

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 11, 1978

3. Development under the P-0 Zone, with its requirements for plot plan review will insure compatibility with adjoining residential uses to the east and southeast.

SECTION 2. 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 Professional Office Zone, P-0:

All that portion of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Lot 9 in Block 1212 of the Garden Acres Tract, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on November 18, 1940, in Volume 14 of Maps, at page 9.

EXCEPTING therefrom the West 70 feet thereof.

INCLUDING also the Northerly 30.00 feet of Coolidge Avenue, and the Westerly 25.00 feet of Water Street, all being immediately adjacent to the above described property.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 1977, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By John L. Coyle
Department of Planning and Community
Development

Ordinance 1685 C.S.
Exhibit A – Map

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

Ord. No. 1685-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the ^{adjourned} regular meeting of the Council of the City of Modesto held on the 8th day of December, 19 77, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED


LEE H. DAVIES, MAYOR

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 7, 1978

ORDINANCE NO. 1686 -C.S.

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

WHEREAS, a verified application for an amendment to Section
21-3-9 of the Zoning Map was filed by Angelo Pierini
on September 14, 1977, 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 October 18, 1977,
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. 77-190, adopted on October 18,
1977, the Planning Commission recommended to the Council that the applica-
tion of Angelo Pierini
to amend Section 21-3-9 of the
Zoning Map to reclassify the hereinafter described property from
Low Density Residential Zone, R-1, to
Medium Density Residential Zone, R-2, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on
November 28, 1977, 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. Rezoning the subject property to R-2 reasonably conforms to application of the Zoning and Development Policy prototype for neighborhoods as outlined in the General Plan.
2. The surrounding land uses include an elementary school to the north and west, a convalescent home to the east, a neighborhood park to the south, and a nonconforming food market to the southwest which uses, coupled with the major street frontage, make the subject property an ideal location for medium density residential development.

SECTION 2. ZONING CHANGE. Section 21-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2:

ALL that portion of the West one-half of the Northwest quarter of the Northeast quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

BEGINNING at the Southeast corner of the West half of the Northwest quarter of the Northeast quarter of Section 21, above Township and Range; thence North 89° 41' 30" West along the South line of the Northwest quarter of the Northeast quarter of said Section 21, a distance of 270 feet; more or less, to a Southeasterly corner of the property conveyed to Modesto City School District of Stanislaus County, State of California, a public corporation, by Deed dated January 3, 1948, and recorded January 16, 1948, in Volume 922 of Official Records, Page 114, as Instrument No. 1120; thence along an Easterly and Southerly line of said Modesto City School District property the following two courses and distances: North 0° 40' 30" West, 350 feet and South 89° 41' 30" East, 270 feet to the East line of the West half of the Northwest quarter of the Northeast quarter of said Section 21; thence South 0° 40' 30" East, along said East line, 350 feet to the point of beginning.

EXCEPTING THEREFROM the East 135 feet thereof.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 1977, by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By John L. Coyle
Department of Planning and Community
Development

Ordinance 1686 C.S.
Exhibit A – Map

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

AN ORDINANCE AMENDING SECTIONS 3-2.202 AND 3-2.203 OF ARTICLE 2 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTION 3-3.01.1 THERETO RELATING TO PENALTY PROVISIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 3-2.202 and 3-2.203 of Article 2 of Chapter 2 of Title III of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 3-2.202. PENALTY PROVISIONS. A violation of any provision of this chapter shall be punishable as an infraction as set forth in Section 1-2.01 of this code, except where provisions of this chapter specifically make such violation a misdemeanor.

SEC. 3-2.203. OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS. It is a misdemeanor for any person to willfully fail or refuse to comply with any lawful order of a police officer or Fire Department official when directing traffic.

SECTION 2. AMENDMENT OF CODE. Section 3-3.01.1 is hereby added to Chapter 3 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-3.01.1 PENALTY PROVISIONS. A violation of any provision of this chapter shall be punishable as an infraction as set forth in Section 1-2.01 of this code, except where provisions of this chapter specifically make such violation a misdemeanor.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed

and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1687-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the ^{adjourned} regular meeting of the Council of the City of Modesto held on the 8th day of December, 19 77, Councilmember Lang moved its final adoption, with typographical and clerical error corrected, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED


LEE H. DAVIES, MAYOR

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 7, 1978

ORDINANCE NO. 1688 -C.S.

AN ORDINANCE AMENDING SECTION 1-2.01 OF CHAPTER 2 OF TITLE I OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTION 1-2.01.1 THERETO RELATING TO PENALTY PROVISIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 1-2.01 of Chapter 2 of Title I of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 1-2.01. VIOLATIONS. A MISDEMEANOR. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code, shall be guilty of a misdemeanor, except that where State law or the provisions of this Code makes such violation an infraction, it shall be an infraction. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued or permitted by such person and shall be punishable accordingly. Any person convicted of a misdemeanor under the provisions of this Code shall be punishable by a fine of not more than One Thousand and no/100ths (\$1,000.00) Dollars, or by imprisonment in the County Jail of the County of Stanislaus for a period of not exceeding one year, or by both such fine and imprisonment. Any person convicted of an infraction shall be punished by a fine not to exceed Five Hundred and no/100ths (\$500.00) Dollars for each offense.

In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may be, by this City, summarily abated, and each day such condition continues shall be regarded as a new and separate offense.

SECTION 2. AMENDMENT OF CODE. Section 1-2.01.1 is hereby added to Chapter 2 of Title I of the Modesto Municipal Code to read as follows:

SEC. 1-2.01.1. MISDEMEANOR: TWO OR MORE VIOLATIONS. Violation of any provision of this Code which is specifically made an infraction shall be a misdemeanor if a defendant has been convicted of one (1) or more violations of the same Code provision within the twelve (12)-month period immediately preceding the commission of the offense and such prior conviction is alleged in the accusatory pleading and proven or admitted. For this purpose, a bail forfeiture shall be deemed to be a conviction of the offense charged.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1688-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the ^{adjourned} regular meeting of the Council of the City of Modesto held on the 8th day of December, 19 77, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED

Lee H. Davies
LEE H. DAVIES, MAYOR

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 7, 1978

AN ORDINANCE AMENDING SECTION 5-5.11 OF CHAPTER 5 OF TITLE V OF THE MODESTO MUNICIPAL CODE AND ADDING SECTIONS 5-4.200 AND 5-5.01.1 THERETO RELATING TO PENALTY PROVISIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 5-5.11 of Chapter 5 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-5.11. EXPLOSIVES OR HAZARDOUS MATERIALS. No person shall deposit in any container used for garbage, rubbish, swill, industrial garbage or salvageable waste any explosive, highly flammable, radio-active or otherwise hazardous material or substance without having first made special arrangements therefor with the collector thereof. A violation of this section shall be punishable as a misdemeanor.

SECTION 2. AMENDMENT OF CODE. Sections 5-4.200 and 5-5.01.1 are hereby added to Chapters 4 and 5 of Title V of the Modesto Municipal Code to read as follows:

SEC. 5-4.200. PENALTY PROVISIONS. A violation of any provision of this article shall be punishable as an infraction as set forth in Section 1-2.01 of this Code, except where provisions of this article specifically make such violation a misdemeanor.

SEC. 5-5.01.1. PENALTY PROVISIONS. A violation of any provision of this chapter shall be punishable as an infraction as set forth in Section 1-2.01 of this Code, except where provisions of this chapter specifically make such violation a misdemeanor.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davie s
NOES: Councilmembers: None
ABSENT: Councilmembers: None

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

ATTEST:

By Norrine Coyne
NORRINE COYNE, City Clerk
(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1689-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the ^{adjourned} regular meeting of the Council of the City of Modesto held on the 8th day of December, 19 77, Councilmember Lang moved its final adoption, with typographical and clerical error corrected, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED

Lee H. Davies
LEE H. DAVIES, MAYOR

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 7, 1978

AN ORDINANCE AMENDING SECTIONS 4-1.201, 4-1.601 AND 4-1.801 OF CHAPTER 1 OF TITLE IV OF THE MODESTO MUNICIPAL CODE AND ADDING SECTIONS 4-1.100, 4-1.200, 4-1.300, 4-1.600 AND 4-1.800 THERETO RELATING TO PENALTY PROVISIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 4-1.201, 4-1.601 and 4-1.801 of Chapter 1 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-1.201. PERMISSIBLE HOURS. It shall be unlawful for any person owning or operating a bowling alley in the City to keep the same open for bowling between the hours of 2:30 o'clock A.M. and 8:00 o'clock A.M. of the same day. Provided however, that any person owning or operating a bowling alley may keep the same open for use for organized league or tournament play until the hour of 4:00 o'clock A.M.

SEC. 4-1.601. HOURS FOR PUBLIC PLACES. It shall be unlawful for any person whether as owner, principal, employee, servant, agent or guest to operate, or cause or permit to be operated any radio or to play or permit any music of any kind to be played, or any entertainment of a noisy character to be carried on in any restaurant, cafe, ice cream parlor, drive-in, or other place where food or refreshments are served in the City, or any pool room, billiard hall, or other similar place of amusement in the City after the hour of 12:00 o'clock midnight and until the hour of 8:00 o'clock the following morning. Provided, however, that upon the granting of a permit by the Chief of Police of the City as provided in the following section the time within which live music and live entertainment is permitted may be extended from 12:00 o'clock midnight to 2:00 o'clock A.M. For the purpose of this article live music and live entertainment are defined as music and entertainment produced by musicians and entertainers who are actually present on the premises.

SEC. 4-1.801. BATHING IN CANAL. PERMISSIBLE HOURS. Swimming or bathing or aquatic sports of any kind in any ditch, canal, pond, lake, or stream, within the corporate limits of the City, or the use of any ditch, canal, pond, lake or stream, within the corporate limits of the City, for swimming, bathing, or aquatic sports of any kind between the hours of 10:00 o'clock P.M. and 7:00 o'clock A.M. is hereby prohibited.

It shall be unlawful for any person to swim or bathe or participate in aquatic sports or activities of any kind in any ditch, canal, pond, lake or stream within the corporate limits of the City, between 10:00 o'clock P.M. and 7:00 o'clock A.M.

SECTION 2. AMENDMENT OF CODE. Sections 4-1.100, 4-1.200, 4-1.300, 4-1.600 and 4-1.800 are hereby added to Chapter 1 of Title IV of the Modesto Municipal Code to read as follows:

SEC. 4-1.100. PENALTY PROVISIONS. A violation of any provision of this article shall be punishable as an infraction as set forth in Section 1-2.01 of this Code, except where provisions of this article specifically make such violation a misdemeanor.

SEC. 4-1.200. PENALTY PROVISIONS. A violation of any provision of this article shall be punishable as an infraction as set forth in Section 1-2.01 of this Code, except where provisions of this article specifically make such violation a misdemeanor.

SEC. 4-1.300. PENALTY PROVISIONS. A violation of any provision of this article shall be punishable as an infraction as set forth in Section 1-2.01 of this Code, except where provisions of this article specifically make such violation a misdemeanor.

SEC. 4-1.600. PENALTY PROVISIONS. A violation of any provision of this article shall be punishable as an infraction as set forth in Section 1-2.01 of this Code, except where provisions of this article specifically make such violation a misdemeanor.

SEC. 4-1.800. PENALTY PROVISIONS. A violation of any provision of this article shall be punishable as an infraction as set forth in Section 1-2.01 of this Code, except where provisions of this article specifically make such violation a misdemeanor.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1690-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the ^{adjourned} regular meeting of the Council of the City of Modesto held on the 8th day of December, 1977, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED


LEE H. DAVIES, MAYOR

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 7, 1978

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

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

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

CHAPTER 1 - FIRE CODE AND FIRE DISTRICTS

ARTICLE 1. FIRE CODE

SEC. 3-1.101. ADOPTION BY REFERENCE OF "UNIFORM FIRE CODE." That certain document, three (3) copies of which are on file in the Office of the City Clerk of the City of Modesto, being marked and designated as "Uniform Fire Code, 1976 Edition", together with appendices A, B, C, D, E, F and G thereto, as compiled and published by the International Conference of Building Officials and the Western Fire Chiefs' Association, which Code prescribes regulations governing conditions hazardous to life and property from fire and explosion, as hereinafter amended, deleted and added to, be and the same is hereby adopted by reference as the Fire Code of the City of Modesto.

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

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

SEC. 3-1.103. ALTERNATE MATERIALS AND METHODS. That subsection (e) be added to Section 1.214 of said Fire Code to read as follows:

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

SEC. 3-1.104. BOARD OF APPEALS. That Section 1.215 of said Fire Code is hereby deleted.

SEC. 3-1.105. GENERAL REQUIREMENTS. That subsection (b) of Section 11.106 of said Fire Code be amended to read as follows:

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

SEC. 3-1.106. MANUFACTURE, SALE AND DISCHARGE. That Section 12.102 of said Fire Code be amended to read as follows:

Section 12.102. (a) The manufacture of fireworks within the City of Modesto is prohibited.

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

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

SEC. 3-1.107. HYDRANT USE APPROVAL. That Section 13.207 of said Fire Code be amended to read as follows:

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

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

SEC. 3-1.108. HAZARDOUS HEATING, LIGHTING AND COOKING APPLIANCES PROHIBITED. That Section 15.106 of said Fire Code be amended to read as follows:

Section 15.106. A person shall not use within a building or structure any heating, lighting or cooking appliance which uses Class I flammable liquids.

SEC. 3-1.109. RESTRICTED LOCATIONS AND FIRE PROTECTION. That subsection (a) of Section 15.201 of said Fire Code be amended to read as follows:

(a) The storage of flammable or combustible liquids in outside aboveground tanks is restricted to those areas of the City zoned M-2, Heavy Industrial Zone. All existing nonconforming tanks which substantially comply with or are made to comply with the requirements of this Code may be continued in use and a permit therefor shall be granted by the Chief.

SEC. 3-1.110. ABANDONMENT OF TANKS. That subsection (g) be added to Section 15,217 of said Fire Code to read as follows:

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

SEC. 3-1.111. LOCATION OF PLANTS. That Section 15,601 of said Fire Code be amended to read as follows:

Section 15,601. The construction of new bulk plants for storage of flammable or combustible liquids is restricted to areas of the City zoned M-2, Heavy Industrial Zone. All existing non-conforming bulk plants for storage of flammable or combustible liquids which substantially comply or are made to comply with the requirements of this Code may be continued in use and a permit therefor shall be granted by the Chief.

SEC. 3-1.112. DISPENSING SERVICES. That subsection (b) of Section 15,704 of said Fire Code be amended to read as follows:

(b) Supervision. Every service station open to the public shall have an attendant or supervisor on duty whenever the station is open for business.

(1) If the dispensing of Class I liquids at a service station available and open to the public is to be done by a person other than the service station attendant the nozzle shall be a listed automatic closing type, without a latch open device.

SEC. 3-1.113. SAFETY RULES. That subsection (b) of Section 15,709 of said Fire Code be amended to read as follows:

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

SEC. 3-1.114. OPERATION OF TANK VEHICLES. That subsection (n) be added to Section 15,1104 of said Fire Code to read as follows:

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

SEC. 3-1.115. PARKING AND GARAGING. That Section 15,1106 of said Fire Code be amended to read as follows:

Section 15,1106. (a) No person shall leave a tank vehicle unattended on any street, highway, avenue or alley, except that this shall not prevent:

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

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

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

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

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

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

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

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

SEC. 3-1.116. LOCATION OF CONTAINERS. That subsection (a) of Section 20.105 of said Fire Code be amended to read as follows:

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

SEC. 3-1.117. LIMITATIONS ON THE USE AND STORAGE OF LIQUEFIED PETROLEUM GAS. That Section 20.107 of the Fire Code be amended to read as follows:

Section 20.107. Limitations on the Use and Storage of Liquefied Petroleum Gas.

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

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

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

(d) The storage and use of liquefied petroleum gas in any quantity shall be prohibited in the area of the City designated as Fire Zone I, except the use of liquefied petroleum gas in Fire Zone I may be permitted on a temporary basis by the Chief when it is required for construction or repair of buildings located in Fire Zone I.

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

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

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

SEC. 3-1.118. OPEN BURNING. That Section 27.101 of said Fire Code be amended to read as follows:

Section 27.101. (a) Permit Required. No person shall kindle or maintain any burning of grass, weeds, agricultural trimmings, or other combustibles or authorize any such fire to be kindled or maintained without a permit as required by the Stanislaus County Air Pollution Control District and all safeguards thereby required.

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

SEC. 3-1.119. INCINERATORS AND OPEN BURNING. That Sections 27.106, 27.107, 27.110 and 27.111 of said Fire Code are hereby deleted.

SEC. 3-1.120. ASPHALT KETTLES. That subsections (c) and (d) be added to Section 27.403 to read as follows:

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

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

SEC. 3-1.121. GENERAL SAFETY RULES FOR WELDING AND CUTTING. That subsection (p) be added to Section 31.107 of said Fire Code to read as follows:

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

ARTICLE 2. FIRE DISTRICTS

SEC. 3-1.201. SPECIFIC DISTRICTS. For the purpose of regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of buildings and/or structures in the City as defined in the Building Code of the City of Modesto, the entire City is hereby declared to be and is established as a fire district comprising three (3) zones, respectively known and designated as Fire Zone No. 1, Fire Zone No. 2 and Fire Zone No. 3.

The territory or portion of the City included in each of said fire zones is more particularly described as follows:

(a) Fire Zone No. 1 shall include and comprise all the territory within the City described as follows:

Blocks 67, 68, 69, 83, 84 and 85 in the City of Modesto.

(b) Fire Zone No. 2 shall include and comprise all the territory within the City, except Blocks 67, 68, 69, 83, 84 and 85, which is now or hereafter under the Zoning Regulations of the City of Modesto, designated as:

(1) C-1, C-2, C-M, M-1, M-2 and M-P Zones.

(2) Those lots in P-O, H-1, P-D, R-2 and R-3 Zones on which there are uses other than dwellings containing four (4) or more living units.

(c) Fire Zone No. 3 shall include and comprise all the territory within the City which is not included in Fire Zone No. 1 or Fire Zone No. 2.

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

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

The foregoing ordinance was introduced at an ^{adjourned} regular meeting of the Council of the City of Modesto held on the 8th day of December, 1977, by Council-member Lang, who moved its introduction and passage to print, which

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1691-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of December, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

APPROVED

Lee H. Davies
LEE H. DAVIES, MAYOR

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 18, 1978

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO THE BUILDING CODE.

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

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

CHAPTER 1 - BUILDING CODE

SEC. 9-1.01. ADOPTION BY REFERENCE OF "UNIFORM BUILDING CODE". That certain document, three (3) copies of which are on file in the office of the City Clerk, being marked and designated as "Uniform Building Code, 1976 Edition", published by the International Conference of Building Officials, together with Appendix thereto, and the Uniform Building Code Standards referred to therein, which said Code provides for proper regulations for erecting, constructing, enlarging, altering, repairing, removing, conversions, demolition, occupancy, equipment, use, height and maintenance of buildings or structures in the City and providing for the issuance of permits and collection of fees therefor, declaring and establishing fire districts, and providing penalties for the violation thereof, as hereinafter amended, deleted and added to, be and the same is hereby adopted by reference as the Building Code of the City of Modesto.

SEC. 9-1.02. TITLE. That Section 101 of said Building Code be amended to read as follows:

Section 101. This Code shall be known as the "Building Code", may be cited as such, and will be referred to herein as "this Code".

SEC. 9-1.03. INTERPRETATION. That Section 108 be added to said Building Code to read as follows:

Section 108. The language used in this Code is intended to convey the common and accepted meaning familiar to the building industry.

The Building Official is hereby authorized to determine the intent and meaning of any provision of this Code. Such determination shall be made in writing and a record kept, which shall be open to the public. Such determination may be appealed to the Board of Building Appeals.

SEC. 9-1.04. NONRESPONSIBILITY OF CITY. That subsection (g) of Section 202 of said Building Code be amended to read as follows:

(g) Nonresponsibility of City. Neither the City, nor any department, nor any board, commission, officer or employee thereof shall be held liable or responsible for any damage or injury caused by or resulting from the issuance of or failure to issue or the revocation of any permit or certificate of inspection or the making of any inspection under the provisions of this Code.

SEC. 9-1.05. BOARD OF BUILDING APPEALS. That Section 204 of said Building Code be amended to read as follows:

(a) In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of this Code, the Uniform Mechanical Code, the Uniform Plumbing Code, the Uniform Housing Code, the National Electrical Code, and the Uniform Code for the Abatement of Dangerous Buildings, and to hear appeals provided for in said codes there shall be and is hereby created a Board of Building Appeals, hereinafter referred to as the Board, consisting of five (5) members who are qualified by experience and training to pass upon matters pertaining to building construction. The Building Official shall act as Secretary of the Board. The members of the Board shall be appointed and hold office in accordance with the provisions of Article XI of the Charter of the City of Modesto.

The Board of Building Appeals created hereby shall be the successor to the Board of Appeals created by Chapters 8 and 9 of Title IX of the Modesto Municipal Code, as said chapters existing previous to the effective date of this Code, and the members of said Board of Appeals holding office when this Code becomes effective shall continue to hold office, as members of the Board of Building Appeals created by this Code, for the remainder of the terms to which they were originally appointed and until their respective successors shall be appointed and qualified. All actions taken and decisions made by said Board of Appeals prior to the effective date of this Code shall continue in full force and effect the same as if taken or made by the Board of Building Appeals created by this Code.

(b) The Board shall adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant and may recommend to the Council of the City of Modesto such new legislation is consistent therewith.

(c) Except as otherwise provided in the Uniform Mechanical Code, the Uniform Plumbing Code, the Uniform Housing Code, the National Electrical Code, and the Uniform Code for the Abatement of Dangerous Buildings, the Board shall hear appeals in accordance with the procedures set forth herein.

(d) As soon as practicable after receiving a written appeal, the Building Official shall fix a date, time and place for the hearing of the appeal by the Board. Such date shall be not less than ten (10) days nor more than forty-five (45) days from the date the appeal was filed with the Building Official. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to the appellant(s) by the Building Official either by causing a copy of such notice to be delivered to the appellant(s) personally or by mailing a copy

thereof, postage prepaid, addressed to the appellant(s) at the address(es) shown on the appeal.

(e) The decision of the Board in granting or denying an appeal shall become final and effective fifteen (15) days after the date of adoption of the decision, unless within such fifteen (15) day period an appeal is filed by the appellant(s) in writing with the City Council. The filing of such appeal within such time limit shall stay the effective date of the decision of the Board until such time as the Council has acted on the appeal.

Upon receipt of a written appeal filed with the Council as provided herein, the Secretary of the Board shall thereupon transmit to the Council the Board's complete record of the case.

Within not to exceed forty (40) days following the receipt of the written appeal, the Council shall hold a hearing thereon. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to the appellant(s) by the City Clerk either by causing a copy of such notice to be delivered to the appellant(s) personally or by mailing a copy thereof, postage prepaid, addressed to the appellant(s) at the address(es) shown on the appeal.

The Council shall announce its findings and decision by formal resolution not more than forty (40) days following the hearings, and said resolution shall recite, among other things, the facts and reasons which, in the opinion of the City Council, make the granting or denial of the appeal necessary, and shall order that the appeal be granted or denied or modified subject to such conditions or limitations that it may impose.

The action by the Council on such matters shall be by majority vote of the entire Council and shall be final and conclusive.

Not later than ten (10) days following the adoption of a resolution ordering that an appeal be granted or denied, a copy of such resolution shall be mailed to the appellant(s) and one copy shall be attached to the Board's file of the case and said file returned to the Secretary of the Board for permanent filing.

SEC. 9-1.06. VIOLATIONS. That Section 205 of said Building Code be amended to read as follows:

Section 205. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this Code.

SEC. 9-1.07. FEES. That subsections (a) and (b) of Section 303 of said Building Code be amended to read as follows:

(a) Building Permit Fees. A fee for each building permit shall be paid to the Building Official as set forth in Table No. 3-A.

The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The valuation to be used in computing the permit and plan-check fee shall be the total value of all construction work for which the permit is issued as well as all finished work, painting, roofing, electrical, plumbing, heating, air conditioning systems and any other permanent work or permanent equipment.

Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit the fees specified in Table 3A shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

Permit fees for new buildings or additions to buildings of Group R, Division 3 and M occupancies may be determined by the Building Official by multiplying the square foot of floor area of such building or addition by the price per square foot value which results in the total fee for the building permit, the plan checking, the plumbing permit, the mechanical permit, and the electrical permit. The per square foot value shall be determined by the Building Official, and such value when multiplied by the floor areas shall result in a total fee which shall be commensurate with the sum of such fees if individually calculated by otherwise applicable provisions of the Municipal Code.

(b) Plan-Checking Fees. When the valuation of the proposed construction exceeds One Thousand and no/100ths (\$1,000.00) Dollars, and a plan is required to be submitted by subsection (c) of Section 301, a plan-checking fee shall be paid to the Building Official at the time of submitting plans and specifications for checking.

Said plan-checking fees for buildings of Groups R, Division 3 and M occupancies shall be ten per cent (10%) of the building permit fees. Plan-checking fees for all other buildings shall be sixty-five per cent (65%) of the building permit fees as set forth in Table No. 3-A.

Where plans are incomplete, or changed so as to require additional plan checking, an additional plan-check fee shall be charged at a rate established by the Building Official.

The Building Official may require that the plan-checking fee be paid at the same time the permit fee is paid.

SEC. 9-1.08. FEES. That subsections (e) and (f) be added to Section 303 of said Building Code to read as follows:

(e) Fees to Governmental Agencies. No permit fees shall be required for the issuance of building permits to governmental agencies, however, governmental agencies which obtain permits may be charged plan-checking and inspection fees to defray the actual cost of these services.

(f) Telephone Permit Procedure. The Building Official is hereby authorized to establish a system for the issuance of routine permits upon telephonic request and to issue such directives and regulations as are deemed necessary to govern the operation and administration of such a system. Said directives and regulations shall have the force and effect of law and a violation thereof shall constitute a violation of this Code. Such a system may provide for the payment of permit fees on permits issued by telephone on an accounts receivable basis.

SEC. 9-1.09. CERTIFICATE OF OCCUPANCY. That subsection (d) of Section 306 be amended to read as follows:

(d) Temporary Occupancy. If any building or structure including Groups R, Division 3 or M occupancy is to be occupied with the approval of the Building Official prior to the final inspection and/or final corrections, the occupant, owner and contractor shall sign a temporary certificate of occupancy prior to occupying the building agreeing to make all corrections required and/or listed within thirty (30) days of occupancy. If corrections are not completed within thirty (30) days, the Building Official shall have the authority to request the immediate discontinuance of the electrical service and/or the gas service by the appropriate utility and may file a notice of noncompliance with the County Recorder. The notice of noncompliance shall be removed by the Building Official only after all items requiring correction are completed.

SEC. 9-1.10. CERTIFICATE OF OCCUPANCY. That subsection (f) be added to Section 306 of said Building Code to read as follows:

(f) If any building or structure is occupied prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy as required by subsections a, b, c, or d above, the Building Official shall have the authority to request the immediate discontinuance of the electrical service and/or the gas service by the appropriate utility.

SEC. 9-1.11. DEMOLITION OF BUILDINGS: CLEARANCE OF SITE AND SAFETY MEASURES REQUIRED. That Section 307 be added to said Building Code to read as follows:

Section 307. Prior to the issuance of a permit to demolish a building, the owner of the property on which the building is to be demolished, or his agent, shall file with the City Clerk a bond in favor of the City of Modesto conditioned as follows:

(a) Before any work is started on a building or structure, the permittee or his authorized agent shall notify the appropriate utilities in order that all gas, electrical, sewer, water and oil pipelines that are to be disconnected from the building may be capped and sealed or otherwise secured.

(b) Immediately after the demolition of any building or structure, the permittee or his authorized agent shall securely barricade all basement excavations and other holes or openings, as required by the Building Official.

(c) Within ten (10) days after the demolition of any building or structure, the permittee or his authorized agent shall complete the following work:

(1) Securely close and seal any sanitary piping located on the property.

(2) Either fill with dirt or sand or remove, at the discretion of the Building Official, any septic tanks or cesspools located on the property.

(3) Fill any openings, excavations or basements remaining on the land with dirt or sand to street level or the natural level of adjoining property, unless otherwise directed by the Building Official.

(4) Remove any buried underground tanks formerly used for storage of flammable liquids, as may be required by the Fire Department.

(5) Remove all refuse, debris and waste materials from the property.

The bond required by this section shall be in an amount equal to the cost of the work proposed to be done, as estimated by the Building Official.

The bond may be in the form of a corporate surety bond, cash deposit, savings and loan certificate, or an instrument of credit.

An extension of time for completion of the work required by this section may be granted in writing by the Building Official when, in his discretion, circumstances justify such an extension; but no such extension shall release any bond or other security furnished pursuant to this section.

SEC. 9-1.12. BUILDING SECURITY. That Section 1314 be added to said Building Code to read as follows:

Section 1314.(a). Every exterior door of a dwelling unit, except sliding glass doors, and every door leading from a garage into a dwelling unit shall be equipped with a self-locking (dead latch) device with a minimum throw of one-half inch (1/2").

(b) Every exterior sliding glass door of a dwelling unit shall be so equipped that it

can be secured from the inside in such a manner that when so secured it cannot be lifted from the door frames.

(c) Every window of a dwelling unit shall be so equipped that it can be secured from the inside in such a manner that when so secured it cannot be lifted from the window frame.

SEC. 9-1.13. BUILDING SECURITY. That Section 1414 be added to said Building Code to read as follows:

Section 1414(a). Every exterior door of a dwelling unit, except sliding glass doors, and every door leading from a garage into a dwelling unit shall be equipped with a self-locking (dead lock) device with a minimum throw of one-half inch (1/2").

(b) Every exterior sliding glass door of a dwelling unit shall be so equipped that it can be secured from the inside in such a manner that when so secured it cannot be lifted from the door frames.

(c) Every window of a dwelling unit shall be so equipped that it can be secured from the inside in such a manner that when so secured it cannot be lifted from the window frame.

SEC. 9-1.14. RESTRICTIONS IN FIRE ZONES. That subsection (a) of Section 1601 of said Building Code be amended to read as follows:

(a) Fire Zones Defined. For the purpose of this Code, the entire City is hereby declared to be and is hereby established as a Fire District as set forth in Section 3-1.201 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code. Whenever in this Code reference is made to any fire zone, it shall be construed to mean one of the fire zones created by said section.

SEC. 9-1.15. MINIMUM SLAB THICKNESS. That Section 2623 of said Building Code be amended to read as follows:

Section 2623(a). The minimum thickness of concrete floor slabs supported directly on the ground shall be not less than three and one-half (3 1/2) inches.

(b) Concrete slab floors, when used as a finished floor or as a base for other floor finish in buildings to be used in Groups R, Divisions 1 and 3, shall be constructed according to the following additional requirements, or as approved by the Building Official:

(1) Four (4) inches of compacted gravel (three-fourths (3/4) inches), maximum aggregate size shall be placed so that the surface of the base is not less than two (2) inches above finish grade.

(2) A membrane water proofing or water proofing acceptable to the Building Official shall be placed on the rock base. The membrane shall extend to exterior walls and turn up to top of slab or down to bottom of footing for monolithic pours.

(3) One-half (1/2) inch of clean sand shall be placed on the membrane water proofing before placing of concrete.

SEC. 9-1.16. ELEVATOR PERMITS. That section 5108 of the appendix of said Building Code be amended to read:

Section 5108(a). Permits Required. It shall be unlawful to hereafter install any new elevator, moving walk, escalator or dumbwaiter, to make major alterations to any existing elevator, dumbwaiter, escalator or moving walk without having first obtained a permit for such installation from the Building Official. Permits shall not be required for maintenance or minor alterations.

(b) Application for Permits. Application for a permit to install shall be made on forms provided by the Building Official and the permit shall be issued to an owner upon payment of the permit fees specified in this Section.

(c) Fees. A fee for each permit or Certificate of Inspection shall be paid to the Building Official as follows:

New Installations:

Passenger or freight elevator, escalator, moving walk:

Up to and including \$40,000 of valuation \$55.00
over \$40,000 of valuation-\$55.00 plus \$1.00 for each \$1,000 or fraction thereof over \$40,000.

Dumbwaiter or private residence elevator:

Up to and including \$10,000 of valuation.....\$15.00
Over \$10,000 of valuation-\$15.00 plus \$1.00 for each \$1,000 or fraction thereof over \$10,000.

Major Alterations:

Fees for major alterations shall be as set forth in Table No. 3-A.

Installation fees include charges for the first year's annual inspection fee and charges for electrical equipment on the conveyance side of the disconnect switch.

SEC. 9-1.17. SECTIONS TO BE DELETED FROM BUILDING CODE. That Sections 6003 and 6004 of said Building Code are hereby deleted. That Section 5113 of said Building Code, as set forth in the appendix thereto, is hereby deleted.

SECTION 2. FINDING AND DECLARATION. As required by the Health and Safety Code of the State of California, the Council of the City of Modesto finds and declares that the foregoing additions, modifications and changes to the regulations adopted pursuant to said Health and Safety Code are reasonably necessary because of local conditions in that they adopt the 1976 Edition of the Uniform Building Code in lieu of the 1973 Edition, prescribe local fee schedules, prescribe local procedures

to be used in the administration and enforcement of said Code, provide for local interpretations of said Code, make other changes in said Code consistent with local custom and practice as reflected in the prior local building code, and other changes due to local climatic and geographic conditions.

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. SAVINGS. The provisions of this ordinance shall not affect any proceedings, suit or prosecution heretofore or hereafter commenced under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance, shall be discharged or affected by the adoption of this ordinance; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted or proceeded with in all respects as if this ordinance had not been adopted.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed

and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Siefkin

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

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Evelyn L. Johnson*
EVELYN L. JOHNSON, City Attorney

Ord. No. 1692-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of December, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: Siefkin

APPROVED

Lee H. Davies
LEE H. DAVIES, MAYOR

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 18, 1978

AN ORDINANCE AMENDING CHAPTER 2 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO THE PLUMBING CODE.

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

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

CHAPTER 2 - PLUMBING CODE

SEC. 9-2.01. ADOPTION OF UNIFORM PLUMBING CODE. That certain document three (3) copies of which are on file in the office of the City Clerk being marked and designated as the "Uniform Plumbing Code, 1976 Edition," adopted by the International Association of Plumbing and Mechanical Officials, together with Appendices A, B, C, D, E, F, G and H thereto, which said Code provides for the protection of the public health and safety, requires a permit for the installation or alteration of plumbing and drainage systems, defines certain terms, establishes minimum regulations for the installation, alteration or repair of plumbing and drainage systems and the inspection thereof, and provides penalties for the violation thereof, as hereinafter amended, deleted and added to, be and the same is hereby adopted by reference as the Plumbing Code of the City of Modesto.

SEC. 9-2.02. TITLE. That Section 10.1 of said Plumbing Code be amended to read as follows:

Section 10.1. This Code shall be known as the "Plumbing Code" and will be referred to as "this Code" herein.

SEC. 9-2.03. PURPOSE. That Section 10.2 of said Plumbing Code be amended to read as follows:

Section 10.2. The purpose of this Code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance of plumbing and drainage systems and any part or components thereof, and appliances connected thereto.

SEC. 9-2.04. AUTHORITY TO ABATE. That Section 10.5 of said Plumbing Code be amended to read as follows:

Section 10.5. (a) Any portion of a plumbing system found by the Building Official to be insanitary as defined herein is hereby declared to be a nuisance.

(b) Whenever it is brought to the attention of the Building Official that any insanitary conditions exist or that any construction or work regulated by this Code is dangerous, unsafe, insanitary, a nuisance or a menace to life, health or property or otherwise is in violation of this Code, the Building Official, upon determining such information to be fact, shall order any person, firm or corporation using or maintaining any such condition or responsible for the use or maintenance thereof to discontinue the use or maintenance thereof or to repair, alter, change, remove or demolish the same as he may consider necessary for the proper protection of life, health or property and in the case of any gas piping or gas appliance may order any person, firm or corporation, supplying gas to such piping or appliance to discontinue supplying gas thereto until such piping or appliance is made safe to life, health or property.

Every such order shall be in writing, addressed to the owner, agent or person responsible for the premises in which such condition exists and shall specify the date or time for compliance with such order.

(c) Refusal, failure or neglect to comply with any such notice or order shall be considered a violation of this Code.

(d) When any plumbing system is maintained in violation of this Code and in violation of any notice issued pursuant to the provisions of this section or where a nuisance exists in any building or on a lot on which a building is situated, the Building Official shall institute any appropriate action or proceeding in any court of competent jurisdiction to prevent, restrain, correct, or abate the violation or nuisance.

SEC. 9-2.05. ADMINISTRATIVE AUTHORITY. That Section 20.1 of said Plumbing Code be amended to read as follows:

Section 20.1. Administrative Authority. The Administrative Authority is the Building Official, or his duly authorized representative who is hereby charged with the administration and enforcement of this Code. The Building Official is hereby authorized and directed to enforce all provisions of this Code. For such purposes he shall have the powers of a police officer.

SEC. 9-2.06. VIOLATIONS. That Section 20.3 of said Plumbing Code be amended to read as follows:

Section 20.3. It shall be unlawful for any person, firm or corporation to erect, install, alter, repair, relocate, add to, replace, use, or maintain plumbing or drainage systems or parts thereof or appliances connected thereto in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this Code. Maintenance of equipment which was unlawful at the time it was installed and which would be unlawful under this Code if installed after the effective date of this Code, shall constitute a continuing violation of this Code.

SEC. 9-2.07. APPLICATION FOR PERMIT. That Section 20.6 of said Plumbing Code be amended to read as follows:

Section 20.6. Any person legally entitled to apply for and receive a permit shall make such application on forms provided for that purpose. He shall give a description of the character of the work proposed to be done, and the location, ownership, occupancy and use of the premises in connection therewith. The Building Official may require plans, specifications, or drawings and such other information as he may deem necessary.

If the Building Official determines that the plans, specifications, drawings, descriptions or information furnished by the applicant is in compliance with this Code, he shall issue the permit applied for upon payment of the required fee as hereinafter fixed.

Applications for which no permit is issued within one hundred eighty (180) days following the date of application shall expire by limitation and plans submitted for checking may thereafter be returned to the applicant or destroyed by the Building Official.

SEC. 9-2.08. COST OF PERMIT. That the Schedule of Fees set forth in Section 20.7 of said Plumbing Code be amended to read as follows:

SCHEDULE OF FEES

For issuing each permit	\$ 3.50
In addition -	
For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping and backflow protection therefor)	1.75
For each building sewer and each trailer park sewer	5.75
Rainwater systems - per drain	2.30
For each cesspool	5.75
For each private sewage disposal system	11.50
For each water heater and/or vent	1.75
For each gas piping system of one (1) to five (5) outlets	1.75
For each gas piping system of six (6) or more, per outlet	.35
For each industrial waste pretreatment interceptor, including its trap and vent, excepting kitchen type grease interceptors functioning as fixture traps	1.25
For installation, alteration or repair of water piping and/or water treating equipment	1.75
For repair or alteration of drainage or vent piping	2.00
For each lawn sprinkler system on any one meter including backflow protection devices therefor	2.25
For vacuum breakers or backflow protective devices on tanks, vats, etc. or for installation on unprotected plumbing fixtures including necessary water piping - one (1) to five (5)	2.25
Over five (5), each	.35
For each reinspection when such portion of work for which inspection is called is not completed or when corrections called for are not made	10.00

No permit fees shall be required for the issuance of plumbing permits to governmental agencies, however governmental agencies which obtain permits may be charged inspection fees to defray the actual cost of inspection services.

SEC. 9-2.09. NOTIFICATION. That Section 20.9 of said Plumbing Code be amended to read as follows:

Section 20.9. The Building Official may require that every request for inspection be filed at least one day before such inspection is desired. Such request may be in writing or by telephone at the option of the Building Official.

It shall be the duty of the person requesting inspection of any work regulated by this Code to provide access to and means for proper inspection of such work. No portion of any work shall be concealed until inspected and approved.

The Building Official shall not be liable for any expense entailed in the removal or replacement of any material required to allow the inspection.

SEC. 9-2.10. NONRESPONSIBILITY OF CITY. That Section 20.12 of said Plumbing Code be amended to read as follows:

Section 20.12. Nonresponsibility of City. Neither the City, nor any department, nor any board, commission, officer or employee thereof shall be held liable or responsible for any damage or injury caused by or resulting from the issuance of or failure to issue or the revocation of any permit or certificate of inspection or the making of any inspection under the provisions of this Code.

SEC. 9-2.11. BOARD OF APPEALS. That section 20.14 of said Plumbing Code be amended to read as follows:

Section 20.14. The Board of Building Appeals established by Section 204 of the Building code of the City of Modesto shall determine the suitability of alternate materials and types of construction and provide for reasonable interpretations of the provisions of this Code and hear appeals from decisions of the Building Official regarding the intent and meaning of any provision of this Code.

SEC. 9-2.12. INTERPRETATION. That Section 20.15 be added to said Plumbing Code to read as follows:

Section 20.15. Interpretation. The language used in this Code is intended to convey the common and accepted meaning familiar to the plumbing industry.

The Building Official is hereby authorized to determine the intent and meaning of any provision of this Code. Such determination shall be made in writing and a record kept, which shall be open to the public. Such determination may be appealed to the Board of Building Appeals.

SEC. 9-2.13. TO WHOM PERMITS MAY BE ISSUED. That Section 20.16 be added to said Plumbing Code to read as follows:

Section 20.16. The following categories of plumbing permits may be issued:

(a) A regular plumbing permit may be issued to a person, firm or corporation holding a valid contractor's license issued by the State of California to perform such work.

(b) A special owner's permit may be issued to an individual authorizing said individual to do plumbing work in, on or about a dwelling of which said individual is owner and in which he resides or intends to reside but not elsewhere; provided, that no plumbing work authorized under any such special owner's permit shall be done, nor shall the owner holding any such permit allow any such work to be done, except personally by the owner to whom the permit is issued, or by a member of his immediate family; and if this or any other provision hereof shall be violated by the holder of such special owner's permit, such permit shall be subject to immediate cancellation by the Building Official and the holder thereof shall be liable to the penalty herein provided for violation of this Code.

SEC. 9-2.14. TELEPHONE PERMIT PROCEDURE. That Section 20.17 be added to said Plumbing Code to read as follows:

Section 20.17. The Building Official is hereby authorized to establish a system for the issuance of routine permits upon telephonic request and to issue such directives and regulations as are deemed necessary to govern the operation and administration of such a system. Said directives and regulations shall have the force and effect of law and a violation thereof shall constitute a violation of this Code. Such a system may provide for the payment of permit fees on permits issued by telephone on an accounts receivable basis.

SEC. 9-2.15. VALIDITY AND LENGTH OF PERMIT. That Section 20.18 be added to said Plumbing Code to read as follows:

Section 20.18. (a) Validity. The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Code. No permit presuming to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use which it authorizes is lawful.

The issuance of a permit based upon plans and specifications shall not prevent the Building Official from thereafter requiring the correction of errors in said plans and specifications or from preventing construction being carried on thereunder when in violation of this Code or of the Municipal Code or of any other ordinance of the City of Modesto.

(b) Expiration. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within one hundred twenty (120) days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty (120) days. Before such work can be recommenced a new permit shall be first obtained so to do, and the fee therefor shall be one-half (1/2) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one year.

SEC. 9-2.16. RAINWATER PIPING. That Section 410 be added to said Plumbing Code to read as follows:

Section 410. (a) No overflow from a cistern, tank, expansion tank, drip pan or other device shall be directly connected to any soil waste or vent pipe, house drain or house sewer.

(b) Rainwater from roofs or other approved areas exposed to rainwater may be drained into the storm water drainage system, but shall not drain into any sewer intended for sanitary sewage. A permit shall be procured in all cases to connect rainwater drainage to the storm water drainage system.

Rainwater from roofs or other approved areas may drain into the public street gutter; provided, that such gutter is paved and runs to a catch basin connected to the storm drain.

Rainwater from roofs or other approved areas may drain into a system of drainage piping designed to allow such drainage to be absorbed by the soil of the premises or may discharge upon the premises outside the building walls.

(c) No rainwater from roofs or other rainwater drainages of premises shall discharge upon a public sidewalk. When it is desired to conduct rainwater from a building or premises to a public street gutter, the outside underground piping shall be cast iron soil pipe. Water leaders connecting to such underground drainage piping, which are on the outside of a building wall that abuts on a public thoroughfare, shall be constructed of cast iron pipe for a distance of five feet (5') vertically above grade.

(d) No sheet metal water leader shall be installed on the inside of a building, inner court or vent shaft. No sheet metal leader shall be directly connected to any drainage system which connects to a public sewer.

(e) When an existing sheet metal water leader pipe within the walls of a building becomes defective, such water leader shall be replaced with one which conforms to this Code.

(f) All underground roof and area rainwater drainage piping within the walls of a building shall be cast iron pipe and fittings and all such piping above ground shall be case iron pipe and fittings or galvanized wrought iron or steel pipe with drainage fittings of approved standards.

(g) Except the feeding of rain water leader traps as herein required, no water leader or other rain water piping shall be used as a soil, waste or vent pipe nor shall any soil, waste or vent pipe be used as a rainwater leader.

(h) Rainwater leaders connecting to the storm water drainage system shall be effectively trapped if such water leader opening is within twelve feet (12') of a side or rear property line which does not abut on a public street or alley, or if such rainwater leader opening is within twelve feet (12') of any door or window or other source of ventilation or fresh air supply to any building. All water leaders may be served by one master trap or each leader may be trapped separately. All water leader traps shall have their seals maintained by an automatic priming device, designed and installed for that purpose. When a rainwater drainage system is served by one trap, such trap shall be provided with a fresh air inlet, not less than four inches (4") in diameter, which shall lead to the outer air and be provided with an approved cowl or grating so installed as to prevent the entrance of soil, stones or other objectionable materials.

(i) All roof boxes connected to concealed rainwater leaders (if made of light metal) shall be made by means of a lead stub and caulking ferrule which shall be firmly caulked with lead and oakum into said rainwater leader and the other end of lead stub to be firmly soldered to roof box. Cast iron roof drains may be screwed or caulked to their respective rainwater leaders.

(j) Rainwater from paved or unpaved areas shall not drain into the sanitary sewer system but may drain to the storm water drainage system. All such rainwater shall drain to a sump constructed of concrete with bottom and walls not less than four inches (4") in thickness. All sumps shall be provided with a trap formed by turning down the outlet pipe with a forty-five degree (45°) bend so as to maintain a water seal of not less than twelve inches (12"). No part of such seal shall protrude inside the sump. All sumps shall be not less than eighteen inches (18") wide and eighteen inches (18") long and two feet (2') deep and be provided with suitable grates that may be removed for cleaning purposes.

SEC. 9-2.17. TEMPORARY USE OF GAS. That Section 1210 of said Plumbing Code be amended to read as follows:

Section 1210. A structure or building shall pass final inspection as per Section 304(d) of the Building Code prior to connection of the gas service by the gas supplier. Temporary gas connection to the gas source for a period not to exceed ninety (90) days may be granted prior to the final inspection if in the opinion of the Building Official, the gas distributing line pipes and fittings are safe. If after ninety (90) days the structure or building has not passed final inspection, the Building Official shall have the authority to request the gas supplier to discontinue the service.

SECTION 2. FINDING AND DECLARATION. As required by the Health and Safety Code of the State of California, the Council of the City of Modesto finds and declares that the foregoing additions, modifications and changes to the regulations adopted pursuant to said Health and Safety Code are reasonably necessary because of local conditions in that they adopt the 1976 Edition of the Uniform Plumbing Code in lieu of the 1973 Edition, prescribe local fee schedules, prescribe local procedures to be used in the administration and enforcement of said Code, provide for local interpretations of said Code, make other changes in said Code consistent with local custom and practice as reflected in the prior local plumbing code, and other changes due to local climatic and geographic conditions.

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. SAVINGS. The provisions of this ordinance shall not affect any proceedings, suit or prosecution heretofore or hereafter commenced under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance, shall be discharged or affected by the adoption of this ordinance; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures shall be instituted or proceeded within all respects as if this ordinance had not been adopted.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:


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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Siefkin

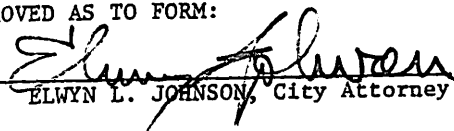
APPROVED: 
LEE H. DAVIES, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

Ord. No. 1693-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of December, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

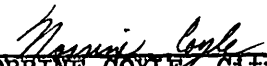
AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,
Mensing, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: Siefkin

APPROVED



LEE H. DAVIES, MAYOR

ATTEST:



NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 18, 1978

AN ORDINANCE AMENDING CHAPTER 7 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE MECHANICAL CODE.

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

SECTION 1. AMENDMENT OF CODE. Chapter 7 of Title IX of the Modesto Municipal Code is hereby amended to read as follows:

CHAPTER 7 - MECHANICAL CODE

SEC. 9-7.01. ADOPTION BY REFERENCE OF "UNIFORM MECHANICAL CODE". That certain document, three (3) copies of which are on file in the office of the City Clerk, being marked and designated as "Uniform Mechanical Code, 1976 Edition", published by the International Association of Plumbing and Mechanical Officials and the International Conference of Building Officials, together with Appendices A, B, and C thereto, which said Code provides for proper regulations for erecting, installing, altering, repairing, relocating, replacing, adding to, using and maintenance of, any heating, ventilating, comfort cooling or refrigeration systems and incinerators and other miscellaneous heat-producing appliances in the City and providing for the issuance of permits and collection of fees therefor, and providing penalties for the violation thereof, as hereinafter amended, deleted and added to, be and the same is hereby adopted by reference as the Mechanical Code of the City of Modesto.

SEC. 9-7.02. TITLE. That Section 101 of said Mechanical Code be amended to read as follows:

Section 101. This Code shall be known as the "Mechanical Code", may be cited as such, and will be referred to herein as "this Code".

SEC. 9-7.03. INTERPRETATION. That Section 106 be added to said Mechanical Code to read as follows:

Section 106. The language used in this Code is intended to convey the common and accepted meaning familiar to the mechanical industry.

The Building Official is hereby authorized to determine the intent and meaning of any provision of this Code. Such determination shall be made in writing and a record kept, which shall be open to the public. Such determination may be appealed to the Board of Building Appeals.

SEC. 9-7.04. NONRESPONSIBILITY OF CITY. That subsection (f) of Section 201 of said Mechanical Code be amended to read as follows:

(f) Nonresponsibility of City. Neither the City, nor any department, nor any board, commission, officer or employee thereof shall be held liable or responsible for any damage or injury caused by or resulting from the issuance of or failure to issue or the revocation of any permit or certificate of inspection or the making of any inspection under the provisions of this Code.

SEC. 9-7.05. BOARD OF APPEALS. That Section 203 of said Mechanical Code be amended to read as follows:

Section 203. The Board of Building Appeals established by Section 204 of the Building Code of the City of Modesto shall determine the suitability of alternate materials and types of construction and provide for reasonable interpretations of the provisions of this Code and hear appeals from decisions of the Building Official regarding the intent and meaning of any provisions of this Code.

SEC. 9-7.06. PERMIT FEES. That Section 304 of said Mechanical Code be amended to read as follows:

Section 304. Any person desiring a permit required by this Code, shall, at the time of filing an application therefor, pay a fee as required by this section.

- | | |
|---|---------|
| (a) For the issuance of each permit | \$ 3.50 |
| (b) For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance up to and including 100,000 Btu/h | 4.50 |
| (c) For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance over 100,000 Btu/h | 5.75 |
| (d) For the installation or relocation of each floor furnace, including vent | 4.50 |
| (e) For the installation or relocation of each suspended heater, recessed wall heater or floor mounted unit heater | 4.50 |
| (f) For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit | 2.25 |
| (g) For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption, or evaporative cooling system, including installation of controls regulated by this Code. | 4.50 |
| (h) For the installation or relocation of each boiler or compressor to and including three (3) horsepower, or each absorption system to and including 100,000 Btu/h | 4.50 |

- (i) For the installation or relocation of each boiler or compressor over three (3) horsepower to and including fifteen (15) horsepower, or each absorption system over 100,000 Btu/h to and including 500,000 Btu/h 8.50
- (j) For the installation or relocation of each boiler or compressor over fifteen (15) horsepower to and including thirty (30) horsepower, or each absorption system over 500,000 Btu/h to and including 1,000,000 Btu/h 11.50
- (k) For the installation or relocation of each boiler or compressor over thirty (30) horsepower to and including fifty (50) horsepower, or for each absorption system over 1,000,000 Btu/h to and including 1,750,000 Btu/h 17.50
- (l) For the installation or relocation of each boiler or refrigeration compressor over fifty (50) horsepower, or each absorption system over 1,750,000 Btu/h 28.75
- (m) For each air handling unit to and including 10,000 cubic feet per minute, including ducts attached thereto 3.50
- Note: This fee shall not apply to air handling unit which is a portion of a factory assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in this Code.
- (n) For each air handling unit over 10,000 cubic feet per minute 5.75
- (o) For each evaporative cooler other than portable type 3.50
- (p) For each ventilation fan connected to a single duct 2.25
- (q) For each ventilation system which is not a portion of any heating or air conditioning system authorized by a permit 3.50
- (r) For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood 3.50
- (s) For the installation or relocation of each domestic type incinerator 5.75
- (t) For the installation or relocation of each commercial or industrial type incinerator 23.00

- (u) For each appliance or piece of equipment regulated by this Code but not classed in other appliance categories, or for which no other fee is listed in this Code 3.50
- (v) For each reinspection when such portion of the work for which inspection is called, is not complete or when corrections called for are not made 10.00

No permit fees shall be required for the issuance of mechanical permits to governmental agencies, however governmental agencies which obtain permits may be charged inspection fees to defray the actual cost of inspection services.

SEC. 9-7.07. TELEPHONE PERMIT PROCEDURE. That Section 307 be added to said Mechanical Code to read as follows:

Section 307. The Building Official is hereby authorized to establish a system for the issuance of routine permits upon telephonic request and to issue such directives and regulations as are deemed necessary to govern the operation and administration of such system. Said directives and regulations shall have the force and effect of law and a violation thereof shall constitute a violation of this Code. Such a system may provide for the payment of permit fees on permits issued by telephone on an accounts receivable basis.

SECTION 2. FINDING AND DECLARATION. As required by the Health and Safety Code of the State of California, the Council of the City of Modesto finds and declares that the foregoing additions, modifications and changes to the regulations adopted pursuant to said Health and Safety Code are reasonably necessary because of local conditions in that they adopt the 1976 Edition of the Uniform Mechanical Code in lieu of the 1973 Edition, prescribe local fee schedules, prescribe local procedures to be used in the administration and enforcement of said Code, provide for local interpretations of said Code, make other changes in said Code consistent with local custom and practice as reflected in the prior local mechanical code, and other changes due to local climatic and geographic conditions.

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. SAVINGS. The provisions of this ordinance shall not affect any proceedings, suit or prosecution heretofore or hereafter commenced under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance. No offense committed

and no liability, penalty or forfeiture, either civilly or criminally incurred under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance, shall be discharged or affected by the adoption of this ordinance; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures shall be instituted or proceeded with in all respects as if this ordinance had not been adopted.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Siefkin

APPROVED:

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1694-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of December, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,
Mensingher, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: Siefkin

APPROVED

Lee H. Davies
LEE H. DAVIES, MAYOR

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 18, 1978

AN ORDINANCE AMENDING CHAPTER 9 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE HOUSING CODE.

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

SECTION 1. AMENDMENT OF CODE. Chapter 9 of Title IX of the Modesto Municipal Code is hereby amended to read as follows:

CHAPTER 9 - HOUSING CODE

SEC. 9-9.01. ADOPTION BY REFERENCE OF "HOUSING CODE". That certain document, three (3) copies of which are on file in the office of the City Clerk, being marked and designated as "Uniform Housing Code, 1976, Edition" published by the International Conference of Building Officials, which said Code provides for proper regulations for the alteration, relocation, removing, demolition, sanitation, occupancy, vacation, equipment, use and maintenance of residential buildings within the City, and provides procedures for processing appeals on decisions made by the Building Official, and provides for enforcement of orders, performance of repair or demolition work, and for recovering the costs of repair or demolition, as hereinafter amended, deleted and added to, is hereby adopted by reference as the Housing Code of the City of Modesto.

SEC. 9-9.02. TITLE. That Section 101 of said Housing Code be amended to read as follows:

Section 101. This Code shall be known as the "Housing Code", may be cited as such, and will be referred to herein as "this Code".

SEC. 9-9.03. BOARD OF APPEALS. That Section 203 of said Housing Code be amended to read as follows:

Section 203. The Board of Building Appeals established by Section 204 of the Building Code of the City of Modesto shall hear appeals provided for hereunder and provide for interpretations of the provisions of this Code. Appeals to the Board shall be processed in accordance with the provisions contained in Section 1201 of this Code.

SEC. 9-9.04. NOTICE AND ORDER. That subsection (b)5 of Section 1101 of said Housing Code be amended to read as follows:

5. Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the Building Official to the Board of Building Appeals, provided the appeal is made in writing as provided in this Code, and filed with the Building Official within thirty (30) days from the date of service of such notice and order; (ii) that any appellant may further appeal any decision of the Board of Building Appeals to the City Council, provided the appeal is made in writing as provided in this Code and filed with the City Clerk within thirty (30) days from the date of the decision of the Board of Building Appeals; and (iii) that failure to file such appeals will constitute a waiver of all right to administrative hearings and determination of the matter.

SEC. 9-9.05. RECORDATION OF NOTICE AND ORDER. That Section 1102 of said Housing Code be amended to read as follows:

Section 1102. (a) Upon issuing a notice and order, the Building Official may, in the exercise of his discretion, file in the office of the County Recorder a certificate describing the property and certifying (i) that the building is a substandard building and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a substandard building on the property described in the certificate, or an appeal has been granted declaring the building to not be substandard, the Building Official shall file a new certificate with the County Recorder certifying that the building has been demolished, that all required corrections have been made, or that an appeal has been granted so that the building is no longer substandard, whichever is appropriate.

(b) When the Building Official has not, in the exercise of his discretion, recorded a certificate under the provisions of subsection (a) of this section, if compliance is not had within the time specified in the notice and order, and if (1) no appeal has been properly and timely filed or (2) an appeal has been heard and denied, the Building Official shall at that time file a certificate in the Office of the County Recorder, in accordance with and subject to the provisions set forth in subsection (a) of this section.

SEC. 9-9.05. STANDARDS TO BE FOLLOWED. That Section 1103 of said Housing Code be amended to read as follows:

Section 1103. (a) STANDARDS TO BE FOLLOWED. The following standards shall be followed by the Building Official (and by the Board of Building Appeals, and the City Council, if appeals are taken) in ordering the repair, vacation or demolition of any substandard building or structure:

1. If any building is declared a substandard building under this Code it shall either be repaired in accordance with the current Building Code or shall be demolished at the option of the building owner.
2. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property, or safety of the public or of the occupants, it shall be ordered to be vacated.

SEC. 9-9.07. GENERAL. That Section 1201 of said Housing Code be amended to read as follows:

Section 1201. (a) FORM OF APPEAL. Any person entitled to service under Section 1101 (c) may appeal from any notice and order or any action of the Building Official under this Code by filing at the office of the Building Official within 30 days from the date of the service of such order, a written appeal containing:

(1) A heading in the words: "Before the Board of Building Appeals of the City of Modesto".

(2) A caption reading: "Appeal of _____", giving the names of all appellants participating in the appeal.

(3) A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.

(4) A brief statement in ordinary and concise language of that specific order or action protested, together with any material facts claimed to support the contentions of the appellant.

(5) A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.

(6) The signatures of all parties named as appellants, and their official mailing addresses.

(b) PROCEDURE FOR APPEAL. Except as otherwise provided in this Code, appeals shall be processed pursuant to the procedure of the Board of Building Appeals as set forth in Section 204 of the Building Code.

SEC. 9-9.08. EFFECT OF FAILURE TO APPEAL. That Section 1202 of said Housing Code be amended to read as follows:

Section 1202. Failure of any person to file appeals in accordance with the provisions of Sections 1101 and 1201 shall constitute a waiver of his/her right to administrative hearings and adjudication of the notice and order, or to any portion thereof.

SEC. 9-9.09. DUTIES AND RESPONSIBILITIES OF HOUSING ADVISORY AND APPEALS BOARD. That Section 1301 of said Housing Code is hereby deleted.

SEC. 9-9.10. REASONABLE DISPATCH. That Section 1302 of said Housing Code is hereby deleted.

SEC. 9-9.11. BOARD OF BUILDING APPEALS MAY REQUEST REPORTS. That Section 1303 of said Housing Code be amended to read as follows:

Section 1303. Whenever in the course of any proceedings taken hereunder, the Board of Building Appeals shall have cause to request additional information, the same may be requested of the Building Inspection Division, the Fire Department, the Health Department, or any other agencies charged by law with enforcement of health or safety requirements of local or State law.

SEC. 9-9.12. FORM OF DECISION. That Section 1304 of said Housing Code be amended to read as follows:

Section 1304. Decisions of the Board of Building Appeals shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent to him by certified mail, postage prepaid, return receipt

requested.

SEC. 9-9.13. EFFECTIVE DATE OF DECISION. That Section 1305 of said Housing Code be amended to read as follows:

Section 1305. The effective date of decisions of the Board of Building Appeals shall be as stated therein.

SEC. 9-9.14. COMPLIANCE. That subsections (a) and (b) of Section 1401 of said Housing Code be amended to read as follows:

(a) GENERAL. After any order of the Building Official, the Board of Building Appeals, or the City Council made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such order. It shall be unlawful for any person to so fail, neglect or refuse to obey any such order.

(b) FAILURE TO OBEY ORDER. If, after any order of the Building Official, the Board of Building Appeals, or the City Council made pursuant to this Code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Building Official may (i) cause such person to be prosecuted under subsection (a) of this section or (ii) institute any appropriate action to abate such building as a public nuisance.

SEC. 9-9.15. COSTS. That subsection (b) of Section 1501 of said Housing Code be amended to read as follows:

(b) COSTS. Initially, the cost of such work shall be paid from the General Fund of the City. Such costs may be recovered by a special assessment against the property involved, or may be made a personal obligation of the property owner or both, whichever the City Council may determine appropriate. Such recovered costs shall be deposited in the General Fund of the City. Any money received by the City for the sale of buildings or structures shall be credited against such costs, and any excess over and above such costs shall be refunded to the property owner.

SEC. 9-9.16. REPAIR AND DEMOLITION FUND. That Section 1502 of said Housing Code is hereby deleted.

SEC. 9-9.17. REPAYMENT OF COSTS. That Section 1612 of said Housing Code be amended to read as follows:

Section 1612. All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the City Treasurer who shall credit the same to the General Fund.

SECTION 2. FINDING AND DECLARATION. As required by Section 17958.7 of the Health and Safety Code of the State of California, the Council of the City of Modesto finds and declares that the foregoing additions, modifications, and changes to the regulations adopted pursuant to said Health and Safety Code are reasonably necessary because of local conditions in that they adopt the 1976 Edition of the Uniform Housing Code in lieu of the 1973 Edition, prescribe local procedures to be used in the administration and enforcement of said Code, provide for local interpretations of said Code, make other changes in said Code consistent with local custom and practice as reflected in the prior local Housing Code, and make other changes due to local climatic and geographic conditions.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Siefkin

APPROVED: _____

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Ewyn L. Johnson
EYWN L. JOHNSON, City Attorney

Ord. No. 1695-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of December, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

APPROVED

Lee H. Davies
LEE H. DAVIES, MAYOR

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 18, 1978

AN ORDINANCE AMENDING CHAPTER 8 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE DANGEROUS BUILDINGS CODE.

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

SECTION 1. AMENDMENT OF CODE. Chapter 8 of Title IX of the Modesto Municipal Code is hereby amended to read as follows:

CHAPTER 8 - DANGEROUS BUILDINGS CODE

SEC. 9-8.01. ADOPTION BY REFERENCE OF "DANGEROUS BUILDING⁵ CODE". That certain document, three (3) copies of which are on file in the office of the City Clerk, being marked and designated as "Uniform Code for the Abatement of Dangerous Buildings, 1976 Edition" published by the International Conference of Building Officials, which said Code provides for a just, equitable, and practicable method, to be cumulative and in addition to any other remedy available at law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated, or demolished, and providing procedures for processing appeals on decisions made by the Building Official, and providing for enforcement of orders, performance or work, repair or demolition, and for recovery of costs of repair or demolition, as hereinafter amended, deleted and added to, is hereby adopted by reference as the Dangerous Buildings Code of the City of Modesto.

SEC. 9-8.02. TITLE. That Section 101 of said Dangerous Buildings Code be amended to read as follows:

Section 101. This Code shall be known as the "Dangerous Buildings Code", may be cited as such, and will be referred to herein as "this Code".

SEC. 9-8.03. BOARD OF APPEALS. That Section 205 of said Dangerous Buildings Code be amended to read as follows:

Section 205. The Board of Building Appeals established by Section 204 of the Building Code of the City of Modesto shall hear appeals provided for hereunder and provide for interpretations of the provisions of this Code. Appeals to the Board shall be processed in accordance with the provisions contained in Section 501 of this Code.

SEC. 9-8.04. DANGEROUS BUILDINGS. That Section 302 of said Dangerous Buildings Code be amended to read as follows:

Section 302. For the purpose of this Code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, unless the owner, or any other person entitled to service under Section 401(c), shall establish to the satisfaction of the Building Official or the Board of Building Appeals, as the case may be, that such conditions do not exist to the extent that the life, health, property, or safety of the public or its occupants are endangered:

(a) Whenever any door, aisle, passageway, stairway or other means of exit does not comply with the minimum requirements of the Building Code of the City of Modesto or is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

(b) Whenever the stress in any materials, members or portions thereof, due to all dead loads, live loads, and lateral loads, is more than one and one-half ($1\frac{1}{2}$) times the working stress of stresses allowed in the Building Code of the City of Modesto, for new buildings of similar structure, purpose or location.

(c) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is less than it was before such catastrophe and is less than the minimum requirements of the Building Code of the City of Modesto, for new buildings of similar structure, purpose or location.

(d) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(e) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half ($\frac{1}{2}$) of that specified in the Building Code of the City of Modesto for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code of the City of Modesto for such buildings.

(f) Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have less resistance to winds or earthquakes than is required in the case of similar new construction.

(g) Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

(h) Whenever, for any reason, the building or structure, or any portion thereof, is unsafe for the purpose for which it is being used.

(i) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third ($1/3$) of the base.

(j) Whenever the building or structure, exclusive of the foundation, shows thirty-three per cent (33%) or more damage or deterioration of its supporting member or members, or fifty per cent (50%) damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

(k) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals, or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

(l) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this city, as specified in the Building Code of the City of Modesto, Housing Code of the City of Modesto, or any other law or ordinance of this State or city relating to the condition, location, or structure of buildings.

(m) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion, less than fifty per cent (50%), or in any supporting part, member, or portion less than sixty-six per cent (66%) of the (i) strength, (ii) fire-resisting qualities or characteristics or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

(n) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the Health Officer, in the exercise of his discretion, to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

(o) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Chief, in the exercise of his discretion, to be a fire hazard.

(p) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

(q) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(r) Whenever any other conditions or defects exist to the extent that the life, health, property, or safety of the public or its occupants are endangered.

SEC. 9-8.05. NOTICE AND ORDER. That subsection (b)5 of Section 401 of said Dangerous Buildings Code be amended to read as follows:

5. Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the Building Official to the Board of Building Appeals, provided the appeal is made in writing as provided in this Code, and filed with the Building Official within thirty (30) days from the date of service of such notice and order; (ii) that any appellant may further appeal any decision of the Board of Building Appeals to the City Council, provided the appeal is made in writing as provided in this Code and filed with the City Clerk within thirty (30) days from the date of the decision of the Board of Building Appeals; and (iii) that failure to file such appeals will constitute a waiver of all right to administrative hearings and determination of the matter.

SEC. 9-8.06. RECORDATION OF NOTICE AND ORDER. That Section 402 of said Dangerous Buildings Code be amended to read as follows:

Section 402. (a) Upon issuing a notice and order, the Building Official may, in the exercise of his discretion, file in the office of the County Recorder a certificate describing the property and certifying (i) that the building is a substandard building and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a substandard building on the property described in the certificate, or an appeal has been granted declaring the building to not be substandard, the Building Official shall file a new certificate with the County Recorder certifying that the building has been demolished, that all required corrections have been made, or that an

appeal has been granted so that the building is no longer substandard, which-ever is appropriate.

(b) When the Building Official has not, in the exercise of his discretion, recorded a certificate under the provisions of subsection (a) of this section, if compliance is not had within the time specified in the notice and order, and if (1) no appeal has been properly and timely filed or (2) an appeal has been heard and denied, the Building Official shall at that time file a certificate in the Office of the County Recorder, in accordance with and subject to the provisions set forth in subsection (a) of this section.

SEC. 9-8.07. STANDARDS TO BE FOLLOWED. That Section 403 of said Dangerous Buildings Code be amended to read as follows:

Section 403. (a) STANDARDS TO BE FOLLOWED. The following standards shall be followed by the Building Official (and by the Board of Building Appeals, and the City Council, if appeals are taken) in ordering the repair, vacation or demolition of any dangerous building or structure:

1. Any building declared a dangerous building under this Code shall either be repaired in accordance with the current Building Code or shall be demolished at the option of the building owner.
2. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property, or safety of the public or of the occupants, it shall be ordered to be vacated.

SEC. 9-8.08. GENERAL. That Section 501 of said Dangerous Buildings Code be amended to read as follows:

Section 501. (a) FORM OF APPEAL. Any person entitled to service under section 401(c) may appeal any action of the Building Official under this Code by filing at the office of the Building Official within 30 days from the date of the service of such order, a written appeal containing:

1. A heading in the words: "Before the Board of Building Appeals of the City of Modesto".
2. A caption reading: "Appeal of _____," giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.

4. A brief statement in ordinary and concise language of the specific order of action protested, together with any material facts claimed to support the contentions of the appellant.

5. A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside.

6. The signatures of all parties named as appellants, and their official mailing addresses.

(b) PROCEDURE FOR APPEAL. Except as otherwise provided in this Code, appeals shall be processed pursuant to the procedures of the Board of Building Appeals as set forth in Section 204 of the Building Code.

SEC. 9-8.09. EFFECT OF FAILURE TO APPEAL. That Section 502 of said Dangerous Buildings Code be amended to read as follows:

Section 502. Failure of any person to file appeals in accordance with the provisions of Section 501 shall constitute a waiver of his/her right to administrative hearings and adjudication of the notice and order, or to any portion thereof.

SEC. 9-8.10. DUTIES AND RESPONSIBILITIES OF BOARD OF BUILDING APPEALS. That Section 601 of said Dangerous Buildings Code is hereby deleted.

SEC. 9-8.11. REASONABLE DISPATCH. That Section 602 of said Dangerous Buildings Code is hereby deleted.

SEC. 9-8.12. BOARD OF BUILDING APPEALS MAY REQUEST REPORTS. That section 603 of said Dangerous Buildings Code be amended to read as follows:

Section 603. Whenever in the course of any proceedings taken hereunder, the Board of Building Appeals shall have cause to request additional information, the same may be requested of the Building Department, the Fire Department, the Health Department, or any other agencies charged by law with enforcement of health or safety requirements of local or State law.

SEC. 9-8.13. FORM OF DECISION. That Section 604 of said Dangerous Buildings Code be amended to read as follows:

Section 604. Decisions of the Board of Building Appeals shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of this decision shall be delivered to the appellant personally or sent to him by certified mail, postage prepaid, return receipt requested.

SEC. 9-8.14. EFFECTIVE DATE OF DECISION. That Section 605 of said Dangerous Buildings Code be amended to read as follows:

Section 605. The effective date of decisions of the Board of Building Appeals shall be as stated therein.

SEC. 9-8.15. COMPLIANCE. That subsections (a) and (b) of Section 701 of said Dangerous Buildings Code be amended to read as follows:

(a) General. After any order of the Building Official, the Board of Building Appeals, or the City Council made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. It shall be unlawful for any person to so fail, neglect or refuse to obey any such order.

(b) Failure to Obey Order. If, after any order of the Building Official, the Board of Building Appeals, or the City Council made pursuant to this Code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Building Official may (i) cause such person to be prosecuted under subsection (a) of this section or (ii) institute any appropriate action to abate such building as a public nuisance.

SEC. 9-8.16. COSTS. That subsection (b) of Section 801 of said Dangerous Buildings Code be amended to read as follows:

(b) Costs. Initially, the cost of such work shall be paid from the General Fund of the City. Such costs may be recovered by a special assessment against the property involved, or may be made a personal obligation of the property owner or both, whichever the City Council may determine appropriate. Such recovered costs shall be deposited in the General Fund of the City. Any money received by the City for the sale of Buildings or structures shall be credited against such costs, and any excess over and above such costs shall be refunded to the property owner.

SEC. 9-8.17. REPAIR AND DEMOLITION FUND. That Section 802 of said Dangerous Buildings Code is hereby deleted.

SEC. 9-8.18. REPAYMENT OF COSTS. That Section 912 of said Dangerous Buildings Code is hereby amended to read as follows:

Section 912. All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the City Treasurer who shall credit the same to the General Fund.

SECTION 2. FINDING AND DECLARATION. The Council of the City of Modesto finds and declares that the foregoing additions, modifications, and changes are reasonably necessary because of local conditions in that they adopt the 1976 Edition of the Uniform Code for the Abatement of Dangerous Buildings in lieu of the 1970 Edition of the Uniform Dangerous Building Code, prescribe local procedures to be used in the administration and enforcement of said Code, provide for local interpretations of said Code, make other changes in said Code consistent in local custom and practice as reflected in the prior local Dangerous Building Code, and make other changes due to local climatic and geographic conditions.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 1977, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Siefkin

APPROVED:

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk
(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1696-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of December, 1977, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

APPROVED

Lee H. Davies
LEE H. DAVIES, MAYOR

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 18, 1978

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

The Council of the City of Modesto does ordain as fol-
lows:

SECTION 1. ZONING CHANGE. Section 7-3-9 of the
Zoning Map is hereby amended to reclassify the following-described
property from Low Density Residential Zone, R-1, to Medium Density
Residential Zone, R-2, and Planned Development Zone, P-D(176):

Rezone R-1 to R-2

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

COMMENCING at the Southwest corner of said Northwest Quarter of
Section 7; thence North 0° 42' 15" West along the West line of said
Northwest Quarter 418.30 feet to the Southeasterly line of the 100
foot wide Modesto Irrigation District Lateral No. 7; thence
North 42° 26' 00" East along said Southeasterly line 553.60 feet
to the POINT OF BEGINNING of this description, thence continuing
along said Southeasterly line North 42° 26' 00" East 459.69 to a
point on a normal curve from which a radial line bears
North 42° 26' 00" East to the center; thence Southeasterly 107.24
feet along said normal curve concave to the Northeast having a
radius of 430.00 feet and a central angle of 14° 17' 20"; thence
South 25° 22' 55" West along a non-tangent line 40.93 feet; thence
Southwesterly 80.35 feet along a tangent curve, concave to the
Northwest, having a radius of 270.00 feet and a central angle of
17° 03' 05"; thence South 42° 26' 00" West along a tangent line
224.69 feet; thence South 47° 34' 00" East 123.59 feet; thence
Southeasterly 109.25 feet along a tangent curve, concave to the
Southwest, having a radius of 330.00 feet and a central angle of
18° 58' 05"; thence North 61° 24' 05" East along a radial line
236.53 feet; thence North 89° 17' 30" East 140.00 feet; thence

South 0° 42' 30" East 107.26 feet; thence North 89° 17' 30" East 125.00 feet; thence South 0° 42' 30" East 133.14 feet; thence South 22° 12' 36" West 50.00 feet; thence South 0° 42' 30" East 63.80 feet; thence South 89° 17' 30" West 105.53 feet; thence North 0° 42' 30" West 243.00 feet; thence South 67° 32' 04" West 305.25 feet; thence South 82° 10' 25" West 150.00 feet; thence North 24° 36' 31" West 118.47 feet; thence North 47° 34' 00" West 272.37 feet to the point of beginning.

CONTAINING 4.04 acres.

Rezone R-1 to P-D

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

BEGINNING at the Southwest corner of said Northwest Quarter of Section 7; thence South 88° 55' 35" East along the South line of said Northwest Quarter a distance of 757.23 feet; thence North 0° 42' 30" West 526.45 feet; thence Northerly 41.00 feet along a tangent curve, concave to the West, having a radius of 330.00 feet and a central angle of 7° 07' 05"; thence along a radial line South 82° 10' 25" West 130.00 feet; thence North 24° 36' 31" West 118.47 feet; thence North 47° 34' 00" West 272.37 feet to the Southeasterly line of the 100 foot wide Modesto Irrigation District Lateral No. 7; thence South 42° 26' 00" West along said Southeasterly line 553.60 feet to the West line of said Northwest Quarter of Section 7; thence South 0° 42' 15" East along said West line 418.30 feet to the point of beginning.

CONTAINING 11.18 acres.

SECTION 2. USES. The following uses shall be permitted in said P-D (176) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. A 9.6 net acre neighborhood shopping center.
2. An off-street parking area.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of December, 1977, by Council-member Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap, Siefkin

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

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William A. Mikobe
Department of Planning and
Community Development

Ord. No. 1697-C.S.

FINAL ADOPTION CLAUSE

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED



LEE H. DAVIES, Mayor

ATTEST:



NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 15, 1978

Ordinance 1697 C.S.
Exhibit A – Map

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

AN ORDINANCE AMENDING SECTION MAP 21-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(PAUL M. ZAGARIS)

WHEREAS, a verified application for an amendment to Section
21-3-9 of the Zoning Map was filed by _____
_____ Paul M. Zagaris _____

on October 19, 1977, to reclassify from _____
Low Density Residential Zone, R-1, to _____
Professional Office Zone, P-0, the hereinafter described
property, and

WHEREAS, after public hearing held on November 15, 1977,
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. 77-1254, adopted on November 28,
1977, the Planning Commission recommended to the Council that the applica-
tion of _____ Paul M. Zagaris _____

_____ to amend Section 21-3-9 of the
Zoning Map to reclassify the hereinafter described property from _____
Low Density Residential Zone, R-1, to _____
Professional Office Zone, P-0, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on
December 27, 1977, in the City Council Chambers, City Hall, 801
11th Street, Modesto, California, this Council finds and determines that the

requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The subject properties are immediately across a major street from a neighborhood shopping center.
2. P-0 Zoning of the subject property would conform to the locational criteria called for in the Modesto Urban Area General Plan as well as in Article 30 of the Modesto Municipal Code.
3. P-0 Zoning of the subject property will assure compatible transitional development separating the commercial uses to the north and east from the residential land to the south.

SECTION 2. ZONING CHANGE. Section 21-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Professional Office Zone, P-0;

All that portion of Section 21, Township 3 South, Range 9 East, M.D.B. & M., described as follows:

Parcel 1:

BEGINNING at the point of intersection of the centerline of E. Orangeburg Avenue with the centerline of Allen Drive; thence Southerly along the centerline of Allen Drive a distance of 210.00 feet; thence Easterly along a line that is parallel with the centerline of E. Orangeburg Avenue a distance of 105.00 feet; thence Northerly along a line that is parallel with the centerline of Allen Drive a distance of 210.00 feet to the centerline of E. Orangeburg Avenue; thence Westerly along the centerline of E. Orangeburg Avenue a distance of 105.00 feet to the point of beginning.

CONTAINING 13,600 square feet net, 22,050 square feet gross.

Parcel 2:

Lot 17 in Block 1144 of Denise Subdivision as per map filed February 9, 1961 in Volume 19 of Maps, page 56, Stanislaus County Records.

INCLUDING ALSO the southerly 40 feet of E. Orangeburg Avenue and the westerly 25 feet of Allen Drive immediately adjacent to said Lot 17.

CONTAINING 7,667 square feet net, 11,308 square feet gross

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of December, 19 77, by Councilmember Kullijian, who moved its introduction

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap, Siefkin

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

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Paulides
Department of Planning and
Community Development

**Ordinance 1698 C.S.
Exhibit A – Map**

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

Ord. No. 1698-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, Councilmember Dunlap moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 8, 1978

AN ORDINANCE AMENDING SECTIONS 3-2.1401 AND 3-2.1401.1 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO.

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

SECTION 1. AMENDMENT OF CODE. Sections 3-2.1401 and 3-2.1401.1 of Article 14 of Chapter 2 of Title III of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 3-2.1401. CHANGE IN SPEED LIMITS SET BY STATE LAW. Pursuant to authority contained in the California Vehicle Code Sections 22357 and 22358, it is hereby determined upon the basis of an engineering and traffic survey that the prima facie speed limits hereinafter set forth would facilitate the orderly movement of vehicular traffic and would be reasonable and safe, except when passing school grounds, and it is hereby determined that a speed limit greater than those hereinafter set forth would be more than is reasonable or safe. It is hereby declared that the prima facie speed limits hereinafter set forth are established according to law.

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>
ALICE STREET, between Sycamore Avenue and McHenry Avenue	25 miles per hour
BLUE GUM AVENUE, between North 9th Street and Prichard Avenue	40 miles per hour
BRIGGSMORE AVENUE, (eastbound) between 1,000 feet west of Coffee Road and Coffee Road	40 miles per hour
BRIGGSMORE AVENUE, (westbound) between 1,000 feet east of Coffee Road and Coffee Road	40 miles per hour
BRIGGSMORE AVENUE, (eastbound) between Coffee Road and Oakdale Road	50 miles per hour
BRIGGSMORE AVENUE, (westbound) between Oakdale Road and 1,000 feet east of Coffee Road	50 miles per hour

BRIGHTON AVENUE, between Wylie Drive and Coffee Road	25 miles per hour
CARPENTER ROAD, between Blue Gum Avenue and Maze Boulevard within the City limits	50 miles per hour
CARPENTER ROAD, between California Avenue and Maze Boulevard	40 miles per hour
CARPENTER ROAD, between the Tuolumne River and Robertson Road	35 miles per hour
CENTER STREET, between Rosedale Avenue and Calaveras Avenue	25 miles per hour
CONANT AVENUE, between North 9th Street and Rumble Road	35 miles per hour
DEL VALE AVENUE, between Del Vista Avenue and Greenwood Drive	25 miles per hour
EMERALD AVENUE, between Maze Boulevard and Kansas Avenue within the City limits	25 miles per hour
ENCINA AVENUE, between Covena Avenue and Santa Ana Avenue	25 miles per hour
ENSLEN AVENUE, between Granger Avenue and Orangeburg Avenue	25 miles per hour
FAIRMONT AVENUE, between Virginia Avenue and McHenry Avenue	25 miles per hour
FRANKLIN STREET, between Maze Boulevard and Laurel Avenue	25 miles per hour
GRAPE AVENUE, between Pearl Street and Evergreen Avenue	25 miles per hour
GRISWOLD AVENUE, from Virginia Avenue to McHenry Avenue	25 miles per hour
HADDON AVENUE, between La Loma Avenue and Conejo Avenue	25 miles per hour
HATCH ROAD, within the City limits	35 miles per hour

JEFFERSON STREET, from Paradise Road to 8th Street	25 miles per hour
K STREET, between Washington Street and 9th Street	25 miles per hour
LA LOMA AVENUE, between Burney Street and Buena Vista	25 miles per hour
LEGION PARK ROAD, between Santa Cruz Avenue and Conejo Avenue	25 miles per hour
LEVELAND LANE, between College Avenue and TSRR tracks	25 miles per hour
LUCERN AVENUE, between Johnson Street and Coffee Road	25 miles per hour
MADISON STREET, between Paradise Avenue and Laurel Avenue	25 miles per hour
MORTON BOULEVARD, between 9th Street and Downey Avenue	25 miles per hour
NEECE DRIVE, between Tuolumne Boulevard and Sunset Avenue	25 miles per hour
ORANGEBURG AVENUE, between Martin Avenue and Prescott Road	25 miles per hour
PEARL STREET, between Carver Road and west end of Pearl Street	25 miles per hour
RIVER ROAD, between Herndon Avenue and 1,200 feet west of Herndon Avenue	35 miles per hour
ROBLE AVENUE, between Santa Ana Avenue and Rosina Avenue	25 miles per hour
SHERWOOD AVENUE, between Orangeburg Avenue and Briggsmore Avenue	25 miles per hour
STODDARD AVENUE, between McHenry Avenue and Virginia Avenue	25 miles per hour
WESTERN WAY, between Sutter Avenue and Roselawn Avenue	25 miles per hour

WRIGHT STREET, between Sycamore Avenue and McHenry Avenue	25 miles per hour
7TH STREET, between Sierra Drive and the Tuolumne River	25 miles per hour
9TH STREET, on the Tuolumne River Bridge	40 miles per hour
9TH STREET, between north end of the Tuolumne River Bridge and D Street	30 miles per hour
9TH STREET, between P Street and Tully Road	35 miles per hour
9TH STREET, between Tully Road and Shoemake Avenue	50 miles per hour

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

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>	<u>DATE SURVEYED</u>
BOWEN AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	July 26, 1973
BRIGGSMORE AVENUE, west-bound between Coffee Road and McHenry Avenue	45 miles per hour	May 16, 1973

BRIGGSMORE AVENUE, east-bound between McHenry Avenue and 1,000 feet west of Coffee Road	45 miles per hour	May 16, 1973
W. BRIGGSMORE AVENUE, (east and Westbound) between McHenry Avenue and Tully Road	40 miles per hour	August 16, 1975
W. BRIGGSMORE AVENUE, (east and westbound) between Tully Road and Prescott Road	45 miles per hour	August 16, 1975
CARVER ROAD, between 9th Street and Roseburg Avenue	30 miles per hour	July 26, 1973
CARVER ROAD, between Roseburg Avenue and Brixton Lane within the City limits	35 miles per hour	July 26, 1973
CARVER ROAD, between Brixton Lane and M.I.D. Lateral #6 within the City limits	40 miles per hour	August 17, 1977
CELESTE DRIVE, between Oakdale Road and Coffee Road	30 miles per hour	February 28, 1974
COFFEE ROAD, between Scenic Drive and Briggsmore Avenue	35 miles per hour	November 8, 1974
COFFEE ROAD, between Briggsmore Avenue and Floyd Avenue	35 miles per hour	November 8, 1974
COFFEE ROAD, between Floyd Avenue and Rumble Road	35 miles per hour	October 19, 1974
COFFEE ROAD, between Rumble Road and Sylvan Avenue	45 miles per hour	November 8, 1974

COLLEGE AVENUE, between Princeton Avenue and Bowen Avenue	35 miles per hour	July 19, 1973
COLLEGE AVENUE, between W. Rumble Road and Bowen Avenue	35 miles per hour	May 27, 1976
EICHER AVENUE, between Conant Avenue and Goldie Avenue	30 miles per hour	June 4, 1976
EL VISTA AVENUE, between Yosemite Boulevard and Scenic Drive	35 miles per hour	July 26, 1973
EMERALD AVENUE, between Maze Boulevard and California Avenue within the City limits	30 miles per hour	May 1, 1974
EVERGREEN AVENUE, between W. Orangeburg Avenue and Carver Road	35 miles per hour	May 6, 1976
FAIRMONT AVENUE, between Sunrise Avenue and Coffee Road	30 miles per hour	February 5, 1974
FLOYD AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	July 26, 1973
FLOYD AVENUE, between Coffee Road and 1,600' west of Oakdale Road	35 miles per hour	January 23, 1974
FRANKLIN STREET, between California Avenue and Maze Boulevard	30 miles per hour	July 28, 1973
GRANGER AVENUE, between Tully Road and Sunrise Avenue	30 miles per hour	April 30, 1974
KEARNEY AVENUE, between Cold- well Avenue and Glenwood Drive	30 miles per hour	May 28, 1976
KELLER STREET, between Sylvan Avenue and Rumble Road (excluding County portion)	30 miles per hour	September 26, 1974

LA LOMA AVENUE, between Buena Vista and Yosemite Boulevard	30 miles per hour	August 2, 1973
LINCOLN AVENUE, between Yosemite Boulevard and 650' north of MID Lateral #2	35 miles per hour	August 7, 1975
MILLER AVENUE, between La Loma Avenue and El Vista Avenue	30 miles per hour	July 28, 1973
MITCHELL ROAD, between Finch Road and 1,326' south of Finch Road	50 miles per hour	May 22, 1973
MORRIS AVENUE, between McHenry Avenue and Coffee Road	30 miles per hour	July 27, 1973
MT. VERNON AVENUE, between Prescott Road and College Avenue	30 miles per hour	May 1, 1974
NORWEGIAN AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	May 1, 1974
OAKDALE ROAD, between Scenic Drive and Briggsmore Avenue	35 miles per hour	May 27, 1976
W. ORANGEBURG AVENUE, between Carver Road and McHenry Avenue	35 miles per hour	May 18, 1973
E. ORANGEBURG AVENUE, between McHenry Avenue and Coffee Road within the City limits	35 miles per hour	April 30, 1974
E. ORANGEBURG AVENUE, between Oakdale Road and Peppertree Lane	35 miles per hour	July 24, 1975
E. ORANGEBURG AVENUE, between Coffee Road and Rose Avenue	35 miles per hour	July 1, 1977
PRESCOTT ROAD, between Briggsmore Avenue and Rumble Road	35 miles per hour	October 9, 1974
RIVERSIDE DRIVE, between Edgebrook Drive and Yosemite Boulevard	35 miles per hour	May 28, 1976

ROSE AVENUE, between Scenic Drive and Briggsmore Avenue	35 miles per hour	July 26, 1973
ROSE AVENUE, between Briggsmore Avenue and Floyd Avenue	30 miles per hour	July 26, 1973
ROSEBURG AVENUE, between Carver Road and McHenry Avenue	30 miles per hour	April 30, 1974
E. RUMBLE ROAD, between McHenry Avenue and Coffee Road within the City limits	35 miles per hour	March 13, 1974
W. RUMBLE ROAD, between Conant Avenue and Tully Road	30 miles per hour	April 8, 1974
W. RUMBLE ROAD, between Sisk Road and Conant Avenue	35 miles per hour	March 31, 1977
W. RUMBLE ROAD, between Tully Road and McHenry Avenue	35 miles per hour	May 27, 1976
SCENIC DRIVE, between Coffee Road and Oakdale Road	40 miles per hour	March 31, 1977
SCENIC DRIVE, between Oakdale Road and Lakewood Avenue	45 miles per hour	May 27, 1977
SISK ROAD, between Briggsmore Avenue and 600' north of Brenner Way	50 miles per hour	July 1, 1977
SISK ROAD, between 600' north of Brenner Way and Standiford Avenue	40 miles per hour	July 14, 1977
STANDIFORD AVENUE, between Dale Road and Veneman Avenue	50 miles per hour	July 14, 1977
STANDIFORD AVENUE, between Veneman Avenue and Carver Road	40 miles per hour	June 30, 1977
STANDIFORD AVENUE, between Carver Road and Tully Road	40 miles per hour	September 26, 1974

STANDIFORD AVENUE, between Tully Road and McHenry Avenue	40 miles per hour	June 3, 1976
SUNRISE AVENUE, between Lucern Avenue and Floyd Avenue	30 miles per hour	March 19, 1974
SURREY AVENUE, between Oak- dale Road and Eastridge Drive	25 miles per hour	July 9, 1975
SUTTER AVENUE, between Paradise Avenue and Robertson Road	30 miles per hour	July 28, 1973
SYLVAN AVENUE, between McHenry Avenue and Oakdale Road within the City limits	45 miles per hour	March 8, 1974
TOKAY AVENUE, between McHenry Avenue and Bodega Lane	35 miles per hour	March 31, 1977
TULLY ROAD, between Coldwell Avenue and Standiford Avenue	35 miles per hour	May 16, 1973
TUOLUMNE BOULEVARD, between 7th Street and Paradise Road	35 miles per hour	May 21, 1973
VENEMAN AVENUE, between Dale Road and Standiford Avenue	45 miles per hour	June 11, 1976
VIRGINIA AVENUE, between Need- ham Street and Roseburg Avenue	35 miles per hour	April 12, 1974
WHITMORE AVENUE, between Morgan Road and Crows Landing Road within the City limits	45 miles per hour	November 9, 1977
WOODLAND AVENUE, between 9th Street and Carpenter Road within the City limits	35 miles per hour	December 6, 1977
WOODROW AVENUE, between McHenry Avenue and Tully Road within the City limits	30 miles per hour	February 4, 1974
9TH STREET, between L Street and P Street	35 miles per hour	June 23, 1977

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

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

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

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

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

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

FINAL ADOPTION CLAUSE

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 15, 1978

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN
 AS THE PELANDALE NO. 1 ADDITION TO
 THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by Mary J. Riga,
John Velthoen, Milton C. David, MD, Carol A. David, Joan R. Ferrari,
A. G. Johnson and Rachel A. Johnson

on November 7, 19 77, to annex to the City of Modesto under the
 provisions of the Annexation of Uninhabited Territory Act of 1939, as amended,
 certain uninhabited territory, hereinafter described and designated as the

Pelandale No. 1 Addition, situated in the County of
 Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 14th day of
November, 19 77, set said petition for hearing at the hour of 7:30
 o'clock P.M. on the 9th day of January, 19 78, in the Council
 Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so finds that a
 copy of the resolution giving notice of the proposed annexation and fixing the
 time and place for hearing objections to the proposed annexation was published
 in newspapers of general circulation, to wit: The Modesto Bee, a newspaper
 published in the City of Modesto on November 22, 19 77, and on November 29,
 19 77; and in The Riverbank News, a newspaper published outside
 the City of Modesto, but in the County of Stanislaus, on November 23, 19 77,
 and on November 30, 19 77, for the time and in the manner required by
 law, which publications were completed at least twenty (20) days prior to the
 date set for hearing; that written notice of the proposed annexation has been

mailed by the City Clerk of the City of Modesto to each person to whom land within the territory proposed to be annexed was assessed on the last equalized assessment roll available on the date the proceedings were initiated, at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, the Stanislaus County Local Agency Formation Commission did on October 25, 19 77, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 9th day of January, 19 78, at the hour of 7:30 o'clock P.M., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, said territory is contiguous to the City of Modesto and is uninhabited territory in the County of Stanislaus,

NOW, THEREFORE, the Council of the City of Modesto does ordain

as follows:

SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

SECTION 2. The area or territory so annexed, designated as the Pelandale No. 1 Addition, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

SECTION 4. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this ordinance.

SECTION 5. The City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, six certified copies of this ordinance, stating the date of its passage, to immediately make six copies of the boundary description of the annexation; and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the executive officer of the Stanislaus County Local Agency Formation Commission together with a payment of all fees required by California Government Code Section 54902.5.

SECTION 6. The City Clerk is hereby authorized and directed to comply with the provisions of Sections 34080, 34081 and 54900 through 54904, both inclusive, of the Government Code of the State of California relating

respectively to the filing of an affidavit of completion of annexation proceedings and the filing of a statement of change of boundary.

SECTION 7. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall become effective immediately upon its adoption.

SECTION 8. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 19 78, by Councilmember Lang, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

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

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Public Works Department
Public Works Department

October 12, 1977
September 21, 1977

PELANDALE NO. 1 ADDITION

All that real property in the State of California, County of Stanislaus, being in the Southeast quarter of Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the 1/4 section corner common to Sections 2 and 11 and as established by a Northeastern corner of BECKWITH NO. 1 ADDITION (305), as per description filed June 19, 1973, as Instrument 54524, Stanislaus County Records;

1. thence along the existing City Limits on a northerly line of said Addition (305), South $89^{\circ} 52' 45''$ West, 987.62 feet;
2. thence continuing along the existing City Limits on an easterly line of said Addition (305), North $00^{\circ} 15' 30''$ East, 1328.84 feet;
3. thence leaving the existing City Limits along the centerline of 40.00 foot Pelandale Avenue, North $89^{\circ} 57' 00''$ East, 3629.11 feet;
4. thence along the centerline of 50.00 foot Dale Road, South $0^{\circ} 18' 00''$ West, 1324.75 feet, to the Section corner common to Sections 1, 2, 11, and 12;
5. thence South $89^{\circ} 53' 20''$ West, 2640.55 feet to the point of beginning, containing 110.516 acres, more or less.