

ORDINANCE NO. 1891C. S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1061-C. S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 19-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (Louis A. Witt)"

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1061-C. S. Section

2 of Ordinance No. 1061-C. S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(81) 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. Use of the westerly 70 feet of the P-D Zone shall be limited to storage of rental equipment only.
2. All uses permitted in the C-1 Zone shall be permitted in the remainder of the P-D Zone except that in addition, a floor covering establishment shall be permitted."

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 go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1979, by

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

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED: Harry T. Kullijian
~~RECEIVED~~
HARRY T. KULLIJIAN,
Acting Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1891-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 20th day of November, 1979, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 20, 1979

ORDINANCE NO. 1892 -C.S.

AN ORDINANCE AMENDING SECTION MAP 8-4-9
OF THE ZONING MAP OF THE CITY OF MODESTO, PREZONING
CERTAIN PROPERTY LOCATED THEREON. (GERRIT VANDER POL)

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

SECTION 1. ZONING CHANGE. Section 8-4-9 of the
Zoning Map is hereby amended to prezone the following-described
property to Planned-Development Zone, P-PD(247):

All that portion of Section 8 Township 4 South, Range 9 East Mount
Diablo Base and Meridian, described as follows:

Beginning at the point of intersection of the centerline of Whitmore Avenue
with the centerline of Crows Landing Road also being the southeast corner
of said Section 8; thence Westerly along the centerline of Whitmore
Avenue and also being the South line of said Section 8, a distance of
1,722 feet more or less to the point of intersection with the Southerly
extension of the East line of Parcel "A" as shown on the map filed May 29,
1968, in Book 5 of Parcel Maps at Page 83 in the Stanislaus County Records;
thence Northerly along said extension and the East line of said Parcel "A",
1,319 feet more or less to the point of intersection with the North line
of Parcel "A" also being the Northeast corner of Parcel "A"; thence
Easterly along the Easterly extension of said North line of Parcel "A"
1,722 feet more or less to the point of intersection with the centerline
of Crows Landing Road; thence Southerly along said centerline to the
point of beginning.

Excepting therefrom the Northerly 400 feet of the Westerly 1,043 feet of
the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-PD(247) 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:

M-1 Zone uses which are agriculturally related

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

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least 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 6th day of November, 1979, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang,
Muratore, Siefkin.

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

APPROVED: Harry T. Kullijian
~~ELCCOMENSINGERMAYOR~~
HARRY T. KULLIJIAN,
Acting Mayor

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William D. Smith
Department of Planning and
Community Development

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 20th day of November, 1979, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 20, 1979

Ordinance 1892 C.S.
Exhibit A – Map

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

ORDINANCE NO. 1893 -C. S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1702-C. S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 2-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO, PREZONING CERTAIN PROPERTY LOCATED THEREON. (MILTON DAVID)"

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1702-C. S. Section 2 of Ordinance No. 1702- C. S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D (177) 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 9.6 net acre neighborhood shopping center.
2. A 122 dwelling unit multiple family residential condominium complex including recreational facilities.
3. An off-street parking area for both of the above."

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 13th day of November, 1979, by Councilmember Lang, who moved its introduction and passage to print, which motion being

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1893-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 4th day of December, 1979, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED


MAYOR PEGGY MENSINGER

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 3, 1979

ORDINANCE NO. 1894 -C. S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1474-C. S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 7-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (LANCE E. ELLIS AND CAROL L. ELLIS)" (ALFREDO AND EMMA DURAN)

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1474-C. S. Section 2 of Ordinance No. 1474-C. S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(133) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

- (a) For the westerly 5.76 net acres of the P-D, uses permitted in the P-O Zone, professional and business offices permitted in the C-1 Zone, and existing uses. Existing C-1 uses (other than professional and business offices) may continue under this P-D in the same structure or portion thereof, however, such an existing C-1 use may not be intensified in any way. If such an existing C-1 use (other than a professional or business office) discontinues or ceases business for six months or longer, it may not be reintroduced in this P-D.

The term "existing C-1 uses" (other than professional and business offices), as said term is used herein means:

1. A mini-mart, including the proposed gas pump island shown on the plan referred to above, occupying approximately two-thirds of the existing building located at the southwest corner of the P-D.
2. A pet grooming shop occupying approximately one-third of the existing building located near the northwest corner of the P-D.
3. A laundromat occupying approximately one-third of the existing building located near the northwest corner of the P-D.
4. A photography studio located in approximately one-third of the existing building located near the northeast corner of the P-D.
5. A potential beauty shop, proposed to occupy a maximum of 1,250 square feet of space in the P-D, regarding which there is a letter of intent dated April 16, 1973, and accepted on April 24, 1973, provided that said letter of intent is exercised on or before December 31, 1975, by the person who signed said letter of intent.

6. A potential hairstyling and barber shop, proposed to occupy a maximum of up to 750 square feet of space in the P-D, regarding which there is a letter of intent dated April 16, 1973, and accepted on April 19, 1973, provided that said letter of intent is exercised on or before December 31, 1975, by the person who signed said letter of intent.
 7. A potential floor covering business proposed to occupy a maximum of up to 1,500 square feet of space in the P-D, regarding which there is a letter of intent dated April 16, 1973, and accepted on April 18, 1973, provided that said letter of intent is exercised on or before December 31, 1975, by the person who signed said letter of intent.
- (b) For the easterly 4.49 net acres of the P-D, uses permitted in the C-1 Zone, except that food market uses shall not exceed a total 7,500 square feet, and alcoholic beverages may be sold in conjunction with the sale of food by a restaurant.
- (c) Parking Areas."

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 13th day of November, 1979, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

APPROVED:

PEZZY MENSINGER, Mayor

By Norrine Coyne
NORRINE COYNE, City Clerk

(SEAL)

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

Ord. No. 1894-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 29th day of November, 1979, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: December 29, 1979

ORDINANCE NO. 1895 -C.S.

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

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

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

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

Parcel A

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

Parcel B

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

SECTION 2. USES. The following uses shall be permitted in said P-D (248) 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:

15 two-story condominiums; recreational facilities

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

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

SECTION 5. PUBLICATION. 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 13th day of November, 1979, 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: Bright, Elliott, Kullijian, Lang, Muratore,
Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By

Albert J. Nichols
Department of Planning and
Community Development

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the ^{adjourned} regular meeting of the Council of the City of Modesto held on the 29th day of November, 1979, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyne
NORRINE COYNE, City Clerk

EFFECTIVE DATE: December 29, 1979

Ordinance 1895 C.S.
Exhibit A – Map

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

ORDINANCE NO. 1896 - C. S.

AN ORDINANCE AMENDING SECTIONS 2-1.03 AND 2-1.08.1 OF CHAPTER 1 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO CITY COUNCIL AGENDAS.

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

SECTION 1. AMENDMENT OF CODE. Sections 2-1.03 and 2-1.08.1 of Chapter 1 of Title II of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 2-1.03. AGENDA. In order to facilitate the orderly conduct of the business of the Council, the City Clerk shall be notified no later than 5:00 p.m. of the Wednesday immediately preceding a regular Council meeting of all reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the Council at such meeting. Immediately thereafter the City Clerk shall arrange a list of such matters according to the order of business and furnish each member of the Council, the City Manager, and the City Attorney and each department head with a copy of the same prior to the Council meeting and as far in advance of the meeting as time for preparation will permit.

The City Clerk shall mark with the word "Consent" those items on the agenda regarding which it can reasonably be expected that there will be no discussion by members of the City Council, the City staff or interested persons in the audience. The Council shall consider all of the items on the agenda marked "Consent" at one time by a roll call vote after a motion has been duly made and seconded. If any member of the City Council or City staff or any interested person in the audience requests that a consent item be removed from the list of consent items, such item shall be taken up for consideration and disposition in the order in which it is listed on the agenda.

Unanimous consent of the Council must be obtained before matters not included on the agenda may be presented to the Council, except as hereinafter provided.

SEC. 2-1.08.1 MATTERS TOO LATE FOR THE AGENDA. Under the heading of business entitled "Matters too late for the agenda" members of the City Council and the City staff may present to the Council for consideration and disposition matters regarding which information was not available for inclusion on the Council's agenda prior to 5:00 p.m. of the previous Wednesday, if such matters are of such an urgent nature that consideration and disposition of them cannot wait for the next regular Council meeting.

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 20th day of November, 1979, by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

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

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1896-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 4th day of December, 1979, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: January 3, 1979

ORDINANCE NO. 1897 -C.S.

AN ORDINANCE AMENDING SECTION MAP 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (JAMES AND BARBARA BRADY)

WHEREAS, a verified application for an amendment to Section 22-3-9 of the Zoning Map was filed by James and Barbara Brady

on September 7, 1979, 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 15, 1979, 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. 79-267, adopted on October 15, 1979, the Planning Commission recommended to the Council that the application of James and Barbara Brady

to amend Section 22-3-9 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 December 11, 1979, 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 proposed R-2 zoning conforms to the Rose Park Neighborhood Zoning and Development Plan.
2. The proposed R-2 zoning will allow development in a pattern compatible with adjoining properties and R-2 development exists to the north and to the east.

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 Medium Density Residential Zone, R-2 :

All that portion of Section 22, Township 3 South, Range 9 East, M.D.B. & M. described as follows:

Parcel 1 as shown upon that certain Parcel Map filed July 8, 1977, in Volume 25 of Parcel Maps, page 57, Stanislaus County Records; being a portion of Lot 3 of BROUGHTON COLONY, and also the westerly 30 feet of Rose Avenue immediately adjacent to said Parcel 1.

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 11th day of December, 1979, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Regis Mensinger
REGIS MENSINGER, Mayor

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Orvidas
Department of Planning and
Community Development

Ordinance 1897 C.S.
Exhibit A – Map

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

Ord. No. 1897-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 2nd day of January, 19⁸⁰, Councilmember Elliott moved its final adoption, which motion being duly seconded by Councilmember Bright, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Siefkin

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 1, 1980

ORDINANCE NO. 1898 -C. S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1763-C. S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (CHARLES AVERY)" (CUMMINS AND GOATLEY)

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1763-C. S. Section 2 of Ordinance No. 1763-C. S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D (196) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. A 16 unit 1-story apartment complex.
2. A minimum of 40 off-street parking places.

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 11th day of December, 1979, by Councilmember

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1898-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 2nd day of January, 1980, Councilmember Elliott moved its final adoption, which motion being duly seconded by Councilmember Bright, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Siefkin

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE City Clerk

EFFECTIVE DATE: February 1, 1980

ORDINANCE NO. 1899 -C.S.

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

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

SECTION 1. ZONING CHANGE. Section 7-3-9 of the Zoning
Map is hereby amended to reclassify the following-described property
from Medium Density Residential Zone, R-2, to
Planned-Development Zone, P-D (249) :

All that certain real property situate in a portion of the
Southeast quarter of the Northwest quarter of Section 7,
Township 3 South, Range 9 East, M.D.B. & M., City of
Modesto, State of California, described as follows:

All of Lot 19, Block 13351 of Carver Village, as shown
on map of same filed for record in Volume 25 of Maps
at Page 17, Stanislaus County Records.

Also including the east half of 60.0 foot wide Shawnee
Drive adjacent to the above described property.

Containing 2.6 acres more or less.

SECTION 2. USES. The following uses shall be permitted in said P-D (249) 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:

34 one and two-story residential condominium units

Recreational and maintenance facilities including a swimming pool and pool house and office, respectively

Offstreet parking as indicated on the amended plan

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

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least 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 11th day of December, 1979, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed

and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Peay Mensinger
PEAY MENSINGER, Mayor

ATTEST:

Norrine Coyze
NORRINE COYZE, 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 1899 C.S.
Exhibit A – Map

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

Ord. No. 1899-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 2nd day of January, 1980, Councilmember Elliott moved its final adoption, which motion being duly seconded by Councilmember Bright, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Siefkin

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 1, 1980

ORDINANCE NO. 1900 -C. S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1650-C. S. ENTITLED "AN ORDINANCE AMENDING SECTION MAPS 8-3-9 AND 17-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (JAMES PRICE)"

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1650-C. S. Section 2 of Ordinance No. 1650-C. S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(161) 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. North side of Rumble Road: A 164-dwelling unit condominium complex with accompanying parking, recreational, and open space areas.
2. South side of Rumble Road: A 100-dwelling unit condominium project with accompanying parking, recreational open space areas, and a recreational vehicle storage area."

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 18th day of December, 1979, by Councilmember

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1900-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 2nd day of January, 19⁸⁰, Councilmember Elliott moved its final adoption, which motion being duly seconded by Councilmember Bright, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Siefkin

APPROVED

Reggy Mensinger
MAYOR REGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 1, 1980

ORDINANCE NO. 1901 -C. S.

AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (GARY E. BRIGHT)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Gary E. Bright on October 3, 1979, to reclassify from Medium High Density Residential Zone, R-3, to Professional Office Zone, P-O, and from Rural Residential Zone, R-A, and Medium High Density Residential Zone, R-3, to Commercial Industrial Zone, C-M, the hereinafter described property, and

WHEREAS, after public hearing held on November 5, 1979, 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. 79-281, adopted on November 5, 1979, the Planning Commission recommended to the Council that the application of _____
Gary E. Bright

to amend Section 21-3-9 of the Zoning Map to reclassify the hereinafter described property from _____
Medium High Density Residential Zone,
R-3, to Professional Office Zone, P-O, and from Rural Residential Zone, R-A,
and Medium High Density Residential Zone, R-3, to Commercial Industrial Zone, C-M,
be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on December 18, 1979, 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 area proposed for P-O rezoning is bounded on the east by P-O zoning and on the north and west by C-M and R-A zoning with Commercial/Industrial type land use.
2. The area proposed for C-M zoning will result in zoning which conforms to the actual land use.
3. The proposed rezoning is compatible with the surrounding properties providing a land use intensity transition between the "heavy" uses on the west and residential uses on the east.

SECTION 2. ZONING CHANGE. Section 21-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium High Density Residential Zone, R-3, to Professional Office Zone, P-O:

R-3 to P-0

All that certain real property situate in a portion of the Northwest quarter of the Northwest quarter of Section 21, Township 3 South, Range 9 East, M.D.B. & M., City of Modesto, State of California, described as follows:

The East 132 feet of Lot 6 of Coolidge Colony according to the Map thereof filed in the office of the County Recorder of Stanislaus County, California, on November 15, 1910 in Book 5 of Maps, at page 17, and the West 10 feet of the South half of Lot 4 of Coolidge Colony, according to the Map thereof filed in the office of the County Recorder of Stanislaus County, California, on November 15, 1910, in Book 5 of Maps, at page 17.

Containing 1.08 acres more or less.

SECTION 3. ZONING CHANGE. Section 21-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Rural Residential Zone, R-A, and Medium High Density Residential Zone, R-3, to Commercial Industrial Zone, C-M:

R-A to C-M

All that certain real property situate in a portion of the Northwest quarter of the Northwest quarter of Section 21, Township 3 South, Range 9 East, M.D.B. & M., City of Modesto, State of California, described as follows:

Commencing at a point established by the intersection of the centerlines of McHenry Avenue and East Coolidge Avenue; thence East along the center line of 40.00 foot wide East Coolidge Avenue 315 feet; thence North 20.00 feet to the north line of East Coolidge Avenue and the true point of beginning of this description; thence North 180.00 feet; thence East 213.60 feet; thence South 180.00 feet to the north line of East Coolidge Avenue; thence along said north line West 213.60 feet to the true point of beginning of this description.

Containing 0.88 acre more or less.

R-3 to C-M

All that certain real property situate in a portion of the Northwest quarter of the Northwest quarter of Section 21, Township 3 South, Range 9 East, M.D.B. & M., City of Modesto, State of California, described as follows:

Commencing at a point established by the intersection of the centerlines of McHenry Avenue and East Coolidge Avenue; thence East along the centerline of 40.00 foot wide East Coolidge Avenue 464.00 feet to the true point of beginning of this description; thence North 20.00 feet to the north line of said East Coolidge Avenue; thence East 64.00 feet; thence South 20.00 feet to the centerline of East Coolidge Avenue; thence West 64.60 feet to the true point of beginning of this description.

Containing 0.03 acre more or less.

SECTION 4. 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 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 18th day of December, 1979, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Althain Smith
Department of Planning and
Community Development

Ordinance 1901 C.S.
Exhibit A – Map

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

Ord. No. 1901-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 2nd day of January, 19⁸⁰, Councilmember Elliott moved its final adoption, which motion being duly seconded by Councilmember Bright, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 1, 1980

ORDINANCE NO. 1902-c. s.

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

WHEREAS, by Resolution No. 79-999 adopted on September 27, 1979, the City Council initiated proceedings to amend Section 10-3-9 of the Zoning Map to reclassify from Medium High Density Residential Zone, R-3, to Medium Density Residential Zone, R-2, the hereinafter described property, and

WHEREAS, said City Council initiated rezoning was set for public hearing before the Planning Commission in the Council Chambers located in the City Hall, 801 11th Street, in the City of Modesto, on November 5, 1979, and

WHEREAS, thereafter, under the evidence, both oral and documentary, taken and introduced at said hearing, the Planning Commission by its Resolution No. 79-273 found and determined that rezoning of the property as initiated by the City Council is required by public necessity, convenience and general welfare, for the following reasons:

1. The Coffee Road Zone and Development Plan shows the area as an R-2 density.
2. The plot plan for development of a portion of the site, approved by the Planning Commission on October 15, 1979, is within the R-2 density limits,

and

WHEREAS, by said Resolution No. 79-273, the Planning Commission recommended that Section 10-3-9 of the Zoning Map be amended to reclassify the hereinafter described property from Medium High Density Residential Zone, R-3, to Medium Density Residential Zone, R-2,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on December 18, 1979, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California,

this Council finds and determines that the Council initiated rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the reasons set forth in Planning Commission Resolution No. 79-273 and quoted above.

SECTION 2. ZONING CHANGE. Section 10-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium High Density Residential Zone, R-3, to Medium Density Residential Zone, R-2:

All that portion of Section 10, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

BEGINNING at the northwest corner of Lot 1 in Block 12575 in Sylvan Meadows East No. 1 as shown on the subdivision map filed July 9, 1974, in Volume 25 of maps at Page 8 in the Stanislaus County records, also being the point of beginning; thence North $89^{\circ} 23' 27''$ East 376 feet along the north line of Lots 1, 2, 3 and 4 in Block 12575 in said subdivision; thence north $0^{\circ} 48'$ West 259.00 feet along the West line of Lots 5 and 8 in said Block 12575; thence South $89^{\circ} 23' 27''$ West 426.00 feet to the West line of Section 10; thence South $0^{\circ} 48'$ East 259.00 feet along the said section line to the point of intersection with westerly extension of the North line of Lot 1 in said Block 12575; thence north $89^{\circ} 23' 27''$ east 50.00 feet along said extension to the point of beginning.

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

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least 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 18th day of December, 1979, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: PEGGY MENSINGER, Mayor

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Department of Planning and Community Development

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 2nd day of January, 1980, Councilmember Elliott moved its final adoption, which motion being duly seconded by Councilmember Bright, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Siefkin

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE City Clerk

EFFECTIVE DATE: February 1, 1980

ORDINANCE NO. 1903 -C.S.

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

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

SECTION 1. 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

Planned-Development Zone, P-D (250) :

County of Stanislaus, State of California: That portion of Lot 5 of the FRESNO TRACT, as per map filed March 14, 1903, in Volume 1 of Maps, Page 76, and as said Lot is shown on the Map of Resurvey of Lot 5 of FRESNO TRACT, filed on May 19, 1941, in Volume 3 of Surveys, Page 26, described as follows, to-wit:

COMMENCING at the Northwest corner of said Lot 5 of FRESNO TRACT and running along the West line of said Lot 5 of FRESNO TRACT, South 0° 48' East 143.46 feet to the point of beginning of this description; thence running along the West line of said Lot 5 of FRESNO TRACT, South 0° 48' East 123.47 feet to a point; thence North 89° 27' East 398.03 feet to a point in the centerline of irrigation ditch, thence along the centerline of said irrigation ditch, North 1° 28' West, 117.53 feet to a point; thence running in a Westerly direction in a straight line from said last named point to the point of beginning.

SECTION 2. USES. *The following uses shall be permitted in said*

P-D(250) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

9 two-story condominium units

**Off-street parking and common recreational facilities
in accordance with the approved plan**

SECTION 3. ZONING MAP. Section Map 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 18th day of December, 1979, 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: Bright, Elliott, Kullijian, Muratore,
Siefkin, Mayor Mensinger

NOES: Councilmembers: Lang

ABSENT: Councilmembers: None

APPROVED:

Peggy Mensinger
PEGGY MENSINGER Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By

William J. Woods
Department of Planning and
Community Development

Ordinance 1903 C.S.
Exhibit A – Map

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

Ord. No. 1903-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 2nd day of January, 1980, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Bright, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: Lang

ABSENT: Councilmembers: Kullijian

APPROVED


MAYOR PEGGY MENSINGER

ATTEST: 
NORRINE COYNE, City Clerk

EFFECTIVE DATE: February 1, 1980

ORDINANCE NO. 1904 -C.S.

AN ORDINANCE AMENDING SECTION MAP 31-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (CUMMINS AND GOATLEY)

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

SECTION 1. ZONING CHANGE. Section 31-3-9 of the Zoning
Map is hereby amended to reclassify the following-described property
from Residential-Agricultural Zone, R-A to
Planned-Development Zone, P-D (251) :

All that certain real property situate in the Northeast quarter of the North-west quarter of Section 31, Township 3 South, Range 9 East, M.D. B. & M., City of Modesto, State of California, being a portion of Lot 25 of Maze Ranch Subdivision, as per map filed March 19, 1909, in Book 4 of Maps, page 18 Stanislaus County Records, described as follows:

Commencing at the Northwest corner of Lot 7 in Block 4130 of Willow Estates Unit No. 1, filed May 15, 1962, in Book 20 of Maps, at Page 13; thence North 89° 50' 04" East, 107.88 feet to the Northeast corner of said Lot 7; thence North 89° 32' 50" East, 109.74 feet to the Northeast corner of Lot 4 in Block 4130 of said subdivision; thence North 3° 04' 50" West, 172.79 feet to a point; thence North 0° 11' 30" West, 59.12 feet to a point; thence North 89° 44' 45" West, 180.00 feet to the Northeast corner of Lot 11 in Block 4130 of said subdivision; thence South 16° 19' 48" West, 88.79 feet to the Southeast corner of said Lot 11; thence along a curve concave to the Southwest with a central angle of 118° 11' 59", a radius of 50 feet and an arc length of 103.15 feet to a point; thence along a curve concave to the Southeast with a central angle of 42° 49' 52", a radius of 50 feet and an arc length of 37.38 feet to a point; thence along a curve concave to the Southeast with a central angle of 1° 51' 51", a radius of 975 feet and an arc length of 31.72 feet to the Northwest corner of said Lot 7, being the point of commencement.

Containing 1.04 acre more or less.

SECTION 2. USES. The following uses shall be permitted in said P-D (251) 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:

7 one-story dwelling units
Off-street parking as shown on the plan

SECTION 3. ZONING MAP. Section Map 31-3-9 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 18th day of December, 1979, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed

and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By

William Smith
Department of Planning and
Community Development

Ordinance 1904 C.S.
Exhibit A – Map

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

Ord. No. 1904-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 2nd day of January, 1980, Councilmember Elliott moved its final adoption, which motion being duly seconded by Councilmember Bright, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Siefkin

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 1, 1980

ORDINANCE NO. 1905 -C.S.

AN ORDINANCE AMENDING SECTION MAP 12-3-8 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (R. T. HUGHES CO.)

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

SECTION 1. ZONING CHANGE. Section 12-3-8 of the Zoning
Map is hereby amended to reclassify the following-described property
from Low Density Residential Zone, R-1, to
Planned-Development Zone, P-D (253) :

All that real property situated in a portion of the Northeast Quarter
of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and
Meridian, in the County of Stanislaus, State of California, described
as follows:

Beginning at the Southeast corner of said Northeast Quarter of Section
12; thence North 0° 42' 15" West along the East line of said Northeast
Quarter 560.0 feet to the North line of the 100-foot wide Modesto
Irrigation District Lateral No. 7; thence along said North line
Southwesterly 1,230.0 feet, more or less, to the South line of said
Northeast Quarter of Section 12; thence along said South line Easterly
1,075.0 feet, more or less, to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D (253) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code.

- a. A convenience commercial center limited to C-1 Zone uses.
- b. Off-street parking areas in accordance with Article 18 of the Modesto Municipal Code.

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

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

SECTION 5. PUBLICATION. 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 18th day of December, 1979, 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: Bright, Elliott, Kullijian, Lang, Muratore

NOES: Councilmembers: Siefkin, Mayor Mensinger

ABSENT: Councilmembers: None

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *William S. Nichols, p.s.c.*
Department of Planning and
Community Development

Ordinance 1905 C.S.
Exhibit A – Map

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

Ord. No. 1905-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 2nd day of January, 1980, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Bright, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Lang, Muratore

NOES: Councilmembers: Siefkin, Mayor Mensinger

ABSENT: Councilmembers: Kullijian

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 1, 1980

ORDINANCE NO. 1906 -C.S.

AN ORDINANCE AMENDING SECTIONS 5-2.102 AND 5-2.404 OF
CHAPTER 2 OF TITLE V OF THE MODESTO MUNICIPAL CODE
RELATING TO MASSAGE REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 5-2.102 and 5-2.404 of
Chapter 2 of Title V of the Modesto Municipal Code are hereby amended to read
as follows:

SEC. 5-2.102. DEFINITIONS. For the purpose of this
chapter the following words and phrases shall have the
meanings respectively ascribed to them by this section.

(a) "Applicant": A person who is required to
file an application for a permit under this Chapter,
including a masseur, masseuse, instructor, trainee,
individual owner, managing partner, managing officer
of a corporation, or any other operator, manager or
employee of a massage establishment or school of massage.

(b) "Baths": The giving or furnishing of Russian,
Finnish, Swedish, hot air, vapor, electric cabinet,
steam, mineral, sweat, salt, Japanese, sauna, fomenta-
tion or electric baths or baths of any kind whatever,
excluding ordinary tub baths or showers where an
attendant is not required.

(c) "Bona Fide Nonprofit Organization": Any
fraternal, charitable, religious, benevolent, or any
other nonprofit organization having a regular member-
ship association primarily for mutual, social, mental,
political, and civic welfare to which admission is
limited to the members and guests and revenue accruing
therefrom is to be used exclusively for the purposes of
said organization, and which organization or agency is
exempt from taxation, under the Internal Revenue Laws
of the United States, as a bona fide fraternal, char-
itable, religious, benevolent, or other nonprofit organiza-
tion and in which any massage or bath services provided
are incidental to its primary operation.

(d) "Bona Fide Sports, Athletic, or Health Club": Any sports, athletic, or health club, having on its premises a minimum of six (6) sports or athletic facilities, such as swimming pool, exercise room, racquetball, handball, or tennis courts, at least three (3) of which facilities are of separate and distinct types, and in which club a maximum of two (2) persons provide massage services, which services are only incidental to the club's primary operation.

(e) "Health Officer": The Health Officer of the City of Modesto or his duly authorized agent.

(f) "Instructor": A person employed by a school of massage for the purpose of teaching and/or demonstrating courses in said school.

(g) "Massage": Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of a human body with the use of the hands, arms, or other portion of another human body, with or without the aid of any mechanical or electrical apparatus or appliances and with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments or other similar preparations commonly used on the human body. Massage shall also include the giving of any baths as listed under subsection (b) hereof.

(h) "Massage Establishment": Any establishment having a fixed place of business where any person, firm, association, or corporation engages in, or carries on, or permits to be engaged in or carried on any of the activities mentioned in subsection (b) or (f) of this section. Any establishment engaged in or carrying on, or permitting any combination of massage and bath shall also be deemed a massage establishment.

(i) "Masseur or Masseur": Any person who, for any consideration whatsoever, engages in the practice of massage as herein defined unless otherwise excepted.

(j) "Out Call Massage": The engaging in or carrying on massage for a fee not at a massage establishment or school of massage, but at a location designated by the customer or client, by any permittee or by any other party.

(k) "Person": Any individual, partnership, co-partnership, firm, association, joint stock company, corporation, or combination of the above in whatever form or character.

(l) "School of Massage": Any school or institution of learning which has for its purpose the teaching of the theory, method, profession, or work of massage, which school requires a resident course of study not less than one hundred eighty (180) class hours to be given in not less than three (3) calendar months before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning following the successful completion of such course of study or learning, and which school has been approved pursuant to Section 29007.5 of the Education Code of the State of California.

(m) "Trainee": A person accepted for enrollment in a course of study leading to a degree or certificate of graduation from a school of massage in the City of Modesto.

SEC. 5-2.404. EXCEPTIONS. This Chapter shall not apply to:

- (a) Hospitals, nursing homes or sanitararia.
- (b) Physicians and surgeons, osteopaths, chiropractors, or physical therapists who are duly licensed to practice their respective professions in the State of California, or persons working under the direction of any such persons in hospitals, nursing homes or sanitararia.
- (c) Nurses who are registered under the laws of the State of California.
- (d) Barbers or cosmetologists when lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by the State of California.
- (e) Bona fide trainers or coaches of any amateur, semiprofessional, or professional athlete or athletic team and the facilities therefor.
- (f) A bona fide nonprofit organization, as defined herein, the facilities thereof and all persons who provide massage services in said facilities under the auspices and control of said organization.
- (g) A bona fide sports, athletic, or health club, as defined herein, the facilities thereof and all persons who provide massage services in said facilities under the auspices and control of said club.

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 18th day of ~~November~~ ^{December} *ml*, 1979, by Councilmember Bright, who moved its adoption 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: Bright, Kullijian, Muratore, Mayor Mensinger

NOES: Councilmembers: Elliott, Lang, Siefkin

ABSENT: Councilmembers: None

Thereafter, the foregoing ordinance was amended at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 1980, by Councilmember Bright, who moved its amendment and reprinting, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered reprinted and republished by the following vote:

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

NOES: Councilmembers: Elliott, Siefkin

ABSENT: Councilmembers: Kullijian

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

AN ORDINANCE AMENDING SECTIONS 5-2.102 AND 5-2.404 OF
CHAPTER 2 OF TITLE V OF THE MODESTO MUNICIPAL CODE
RELATING TO MASSAGE REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 5-2.102 and 5-2.404 of Chapter 2 of Title V of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 5-2.102. DEFINITIONS. For the purpose of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section.

(a) "Applicant": A person who is required to file an application for a permit under this Chapter, including a masseur, masseuse, instructor, trainee, individual owner, managing partner, managing officer of a corporation, or any other operator, manager or employee of a massage establishment or school of massage.

(b) "Baths": The giving or furnishing of Russian, Finnish, Swedish, hot air, vapor, electric cabinet, steam, mineral, sweat, salt, Japanese, sauna, fomentation or electric baths or baths of any kind whatever, excluding ordinary tub baths or showers where an attendant is not required.

(c) "Bona Fide Nonprofit Organization": Any fraternal, charitable, religious, benevolent, or any other nonprofit organization having a regular membership association primarily for mutual, social, mental, political, and civic welfare to which admission is limited to the members and guests and revenue accruing therefrom is to be used exclusively for the purposes of said organization, and which organization or agency is exempt from taxation, under the Internal Revenue Laws of the United States, as a bona fide fraternal, charitable, religious, benevolent, or other nonprofit organization and in which any massage or bath services provided are incidental to its primary operation.

(d) "Bona Fide Sports, Athletic, or Health Club": Any sports, athletic, or health club, having on its premises a minimum of six (6) sports or athletic facilities, such as swimming pool, exercise room, racquetball, handball, or tennis courts, at least three (3) of which facilities are of separate and distinct types, and in which club a maximum of two (2) persons provide massage services, which services are only incidental to the club's primary operation.

(e) "Health Officer": The Health Officer of the City of Modesto or his duly authorized agent.

(f) "Instructor": A person employed by a school of massage for the purpose of teaching and/or demonstrating courses in said school.

(g) "Massage": Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of a human body with the use of the hands, arms, or other portion of another human body, with or without the aid of any mechanical or electrical apparatus or appliances and with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments or other similar preparations commonly used on the human body. Massage shall also include the giving of any baths as listed under subsection (b) hereof.

(h) "Massage Establishment": Any establishment having a fixed place of business where any person, firm, association, or corporation engages in, or carries on, or permits to be engaged in or carried on any of the activities mentioned in subsection (b) or (f) of this section. Any establishment engaged in or carrying on, or permitting any combination of massage and bath shall also be deemed a massage establishment.

(i) "Masseur or Masseur": Any person who, for any consideration whatsoever, engages in the practice of massage as herein defined unless otherwise excepted.

(j) "Out Call Massage": The engaging in or carrying on massage for a fee not at a massage establishment or school of massage, but at a location designated by the customer or client, by any permittee or by any other party.

(k) "Person": Any individual, partnership, co-partnership, firm, association, joint stock company, corporation, or combination of the above in whatever form or character.

(l) "School of Massage": Any school or institution of learning which has for its purpose the teaching of the theory, method, profession, or work of massage, which school requires a resident course of study not less than one hundred eighty (180) class hours to be given in not less than three (3) calendar months before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning following the successful completion of such course of study or learning, and which school has been approved pursuant to Section 29007.5 of the Education Code of the State of California.

(m) "Trainee": A person accepted for enrollment in a course of study leading to a degree or certificate of graduation from a school of massage in the City of Modesto.

SEC. 5-2.404. EXCEPTIONS. This Chapter shall not apply to:

(a) Hospitals, nursing homes or sanitarium.

(b) Physicians and surgeons, osteopaths, chiropractors, or physical therapists who are duly licensed to practice their respective professions in the State of California, or persons working under the direction of any such persons in hospitals, nursing homes or sanitarium.

(c) Nurses who are registered under the laws of the State of California.

(d) Barbers or cosmetologists when lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by the State of California.

(e) Bona fide trainers or coaches of any amateur, semiprofessional, or professional athlete or athletic team and the facilities therefor.

(f) A bona fide nonprofit organization, as defined herein, its employees, and the facilities thereof.

(g) A bona fide sports, athletic, or health club, as defined herein, its employees, and the facilities 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 18th day of December, 1979, by Councilmember Bright, who moved its adoption 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: Bright, Kullijian, Muratore, Mayor Mensinger

NOES: Councilmembers: Elliott, Lang, Siefkin

ABSENT: Councilmembers: None

APPROVED: PEGGY MENSINGER, Mayor

ATTEST:

By NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ELWYN L. JOHNSON, City Attorney

Ord. No. 1906-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 15 day of January, 1980, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: Elliott, Siefkin

ABSENT: Councilmembers: Kullijian

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 14, 1980

ORDINANCE NO. 1907 -C.S.

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

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

SECTION 1. ZONING CHANGE. Section 12-3-8 of the Zoning
Map is hereby amended to reclassify the following-described property
from Low Density Residential Zone, R-1, and Medium High Density Residential
Zone, R-3, to Planned-Development Zone, P-D (252):

R-1 to P-D

All that certain real property situate in the Northeast Quarter of
Section 12, Township 3 South, Range 8 East, Mount Diablo Base and
Meridian, described as follows:

COMMENCING at the East Quarter corner of said Section 12; thence
North 0°42'15" West along the East line of said Section 12, 1005.73
feet to the Southeast corner of Hollandia Estates; recorded in
Volume 27 of Maps, page 69, Stanislaus County Records; thence South
88°58'33" West along the south boundary of said Hollandia Estates
395.46 feet to the true POINT OF BEGINNING of this description; thence
South 88°58'33" West along the south boundary of said Hollandia
Estates and the Westerly extension thereof 665.64 feet to the East
line of Parcel 3 of Book 27 of Parcel Maps, page 121, Stanislaus County
Records; thence South 0°42'15" East along said East line 13.12 feet
to the Southeast corner of said Parcel 3; thence South 88°57'30" West
along the South line of said Parcel 3 a distance of 1152.35 feet to the
Northeast corner of Parcel B of Book 28 of Parcel Maps, page 120,
Stanislaus County Records; thence South 0°37'25" East along the East
line of Parcel B and Parcel A of said Book 28 of Parcel Maps, page 120,
a distance of 992.83 feet to the centerline of Veneman Avenue; thence
North 88°57'40" East along said centerline of Veneman Avenue 1140.42
feet to the Southwesterly extension of the Northwesterly line of
Modesto Irrigation District Lateral No. 7; thence along said Southwesterly
extension of the Northwesterly line of Lateral No. 7 and said Northwesterly
line of Lateral No. 7 North 66°06'27" East 738.63 feet; thence North
0°42'15" West 718.96 feet to the point of beginning.

R-3 to P-D

All that certain real property situate in the Northeast Quarter of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the East Quarter corner of said Section 12; thence North $0^{\circ}42'15''$ West along the East line of said Section 12, 1005.73 feet to the Southeast corner of Hollandia Estates, recorded in Volume 27 of Maps, Page 69, Stanislaus County Records and the true POINT OF BEGINNING of this description; thence South $88^{\circ}58'33''$ West along the south boundary of said Hollandia Estates 395.46 feet; thence South $0^{\circ}42'15''$ East 718.96 feet to the Northerly Right-Of-Way line of M.I.D. Lateral No. 7; thence North $66^{\circ}06'27''$ East along said North Right-Of-Way of M.I.D. Lateral No. 7, 82.18 feet; thence Northeasterly 314.85 feet along said Northerly Right-Of-Way of M.I.D. Lateral No. 7 being a tangent curve, concave to the North having a radius of 762.00 feet and a central angle of $23^{\circ}40'27''$; thence North $42^{\circ}26'00''$ East along a tangent line and said Northerly Right-Of-Way of M.I.D. Lateral No. 7, a distance of 93.47 feet to said west line of Section 12; thence North $0^{\circ}42'15''$ West along said west line of Section 12, a distance of 441.18 feet to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(252) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

Zero lot line patio houses

Townhouse

Common open space and facilities

4

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

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

SECTION 5. PUBLICATION. 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 2nd day of January, 1980, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed

and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

APPROVED:

Peggy Mensinger
PEGGY MENSINGER Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By

William Nichols
Department of Planning and
Community Development

Ordinance 1907 C.S.
Exhibit A – Map

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

Ord. No. 1907-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of January, 1980, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Bright, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

APPROVED


MAYOR PEGGY MENSINGER

ATTEST: 
NORRINE COYNE, City Clerk

EFFECTIVE DATE: February 14, 1980

ORDINANCE NO. 1908 -C.S.

AN ORDINANCE AMENDING SECTION MAP 16-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (CROFT/JOAQUIN CONSTRUCTION COMPANY)

WHEREAS, a verified application for an amendment to Section 16-3-9 of the Zoning Map was filed by Dr. Robert Croft, c/o Joaquin Construction Company, Inc.

on October 19, 1979, to reclassify from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, the hereinafter described property, and

WHEREAS, after public hearing held on November 19, 1979, 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. 79-299, adopted on November 19, 1979, the Planning Commission recommended to the Council that the application of Dr. Robert Croft, c/o Joaquin Construction Company, Inc.

to amend Section 16-3-9 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on January 8, 1980, 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 area proposed for P-0 zoning is located in a commercial "center of activity" adjoining and across from commercial zoning and development.
2. The proposed P-0 zoning conforms to the locational criteria of the General Plan and the Modesto Municipal Code as well as that established by current practice.
3. The proposed P-0 zoning does not extend farther west into the residential area than does the Western Plaza commercial development and thereby would not encourage undesirable westerly encroachment of office development on adjoining properties to the west.

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 Professional Office Zone Zone, P-O :

ALL that portion of Parcels "B" and "C" as shown on the map filed in Book 7 of Parcel Maps at Page 77, Stanislaus County Records and a portion of Lot 21 of the Coffee Colony as shown on the map filed in Book 2 of Maps at Page 22, Stanislaus County Records, lying in the Northeast quarter of Section 16, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, described as follows;

BEGINNING at the Southeast corner of said Parcel "B"; thence North $89^{\circ}27'57''$ West, 146.00 feet along the South line of said Parcels "B" and "C" to the Southwest corner of said Parcel "C"; thence North $0^{\circ}53'$ West, 192.48 feet along the West line of said Parcel "C" and extension thereof to the quarter, quarter section line and centerline of Floyd Avenue; thence South $89^{\circ}29'40''$ East, 150.00 feet along said quarter, quarter section line; thence South $0^{\circ}53'$ East, 122.55 feet to the Northeast corner of said Parcel "B"; thence South $2^{\circ}23'25''$ West, 70.01 feet along the East line of said Parcel "B" to the point of beginning.

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 8th day of January, 1980, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Bright, Kullijian

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By

William D. Smith
Department of Planning and
Community Development

Ord. No. 1908-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of January, 1980, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: Norrine Cole
NORRINE COLE, City Clerk

EFFECTIVE DATE: February 21, 1980

Ordinance 1908 C.S.
Exhibit A – Map

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

ORDINANCE NO. 1909-C. S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1472-C. S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 8-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (JEROLD C. RULE)" (RULE ENTERPRISES)

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1472-C. S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(131) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. Automobile dealership facility, including body and fender shop and painting facilities, outdoor vehicle display area, customer parking, new and used car storage, and vehicular parking.
2. Public gas pump island and canopy.

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 15th day of January, 1980, by

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1909-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 5th day of February, 1980, 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: Bright, Elliott, Kullijian, Lang, Muratore, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 6, 1980

ORDINANCE NO. 1910 -C. S.

AN ORDINANCE AMENDING SECTION 10-2.2106 OF ARTICLE 21 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO PLANNING COMMISSION ZONING HEARINGS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.2106 of Article 21 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

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 one of the Planning Commission's regularly scheduled evening meetings or at a special evening meeting. The Planning Commission after first having held a public hearing at an evening meeting as prescribed herein may continue the hearing to a special afternoon or a regular or special 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.

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 15th day of January, 1980, by Councilmember Muratore, who moved its introduction and passage to print, which motion being

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1910-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 5th day of February, 1980, 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: Bright, Elliott, Kullijian, Lang, Muratore, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: Siefkin

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 6, 1980

ORDINANCE NO. 1911 -C.S.

AN ORDINANCE GRANTING FRANK IMBURG, DOING BUSINESS AS THE TRANSADTISE COMPANY, AN EXCLUSIVE FRANCHISE FOR THE RIGHT, PRIVILEGE AND PERMISSION TO PLACE, CONSTRUCT AND MAINTAIN BENCHES WITH ADVERTISING THEREON AT DESIGNATED LOCATIONS ON THE STREETS AND SIDEWALKS IN THE CITY OF MODESTO.

WHEREAS, W. R. Tomson, doing business as The Transadtise Company, was granted an exclusive franchise for the right, privilege and permission to place, construct and maintain benches with advertising thereon at designated locations on the streets and sidewalks in the City of Modesto by Ordinance No. 1536-C.S. for a term of five (5) years commencing on January 1, 1977, and ending on December 31, 1981, and

WHEREAS, thereafter W. R. Tomson requested that the City of Modesto consent to the transfer of said franchise to Frank Imburg who desired to continue doing business as The Transadtise Company, and

WHEREAS, by Ordinance No. 1789-C.S. the City Council consented to the transfer of said franchise from W. R. Tomson, doing business as The Transadtise Company, to Frank Imburg, doing business as The Transadtise Company, which consent provided that the transfer of said franchise was subject to all of the terms and conditions of the original franchise set forth in Ordinance No. 1536-C.S., as adopted by the City Council on July 12, 1976, and

WHEREAS, the consent to transfer said franchise granted by Ordinance No. 1789-C.S. became operative on and after January 1, 1979, and

WHEREAS, pursuant to the provisions of Ordinance No. 1536-C.S., said franchise will expire on December 31, 1981, and

WHEREAS, Frank Imburg, doing business as The Transadtise Company, has requested an extension of the term of said franchise from December 31, 1981, to December 31, 1985, to enable him to purchase additional bus benches and amortize them within the life of said franchise, and

WHEREAS, the request of Frank Imburg, doing business as The Transadtise Company, for extension of said franchise was set for and considered at a public hearing held by the City Council of the City of Modesto on January 15, 1980, and

WHEREAS, based on the evidence received and considered at said hearing, the City Council has determined as follows:

1. It is in the interest of the public health, safety and welfare to terminate the present exclusive franchise for the right, privilege and permission to place, construct and maintain benches with advertising thereon at designated locations on the streets and sidewalks in the City of Modesto which was granted to W. R. Tomson, doing business as The Transadtise Company, by Ordinance No. 1536-C.S., and thereafter transferred to Frank Imburg, doing business as The Transadtise Company, as consented to by Ordinance No. 1789-C.S.

2. It is in interest of the public health, safety and welfare to grant a new exclusive franchise to Frank Imburg, doing business as The Transadtise Company, for the right, privilege and permission to place, construct and maintain benches with advertising thereon at designated locations on the streets and sidewalks in the City of Modesto.

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

SECTION 1. DEFINITIONS.

(a) Bench: A seat located upon public property along the public way for the accommodation of passersby or persons awaiting transportation.

(b) Street: Any public thoroughfare or way including the sidewalk, the parkway and other public property fronting upon a public way.

(c) Quarterly period: A period of three (3) consecutive months. The quarters begin on the first day of January, April, July and October of each year.

SECTION 2. BENCHES PROHIBITED. No person shall install or maintain any bench with advertising thereon upon any street in the City except in accordance with the provisions of this franchise.

SECTION 3. FRANCHISE GRANTED. The City of Modesto hereby grants to FRANK IMBURG, doing business as The Transadttise Company, for a term commencing April 1, 1980, and ending on December 31, 1985, the exclusive franchise for the right, privilege and permission to place, construct and maintain benches with advertising thereon at designated locations on the streets and sidewalks in the City of Modesto.

SECTION 4. PAYMENT. For the privilege herein granted, the Grantee shall pay to the City of Modesto Three and no/100ths (\$3.00) Dollars per quarter per bench installed and in place. No later than the tenth day of the month following the close of each quarterly period, Grantee shall submit a report to the Director of Finance stating the total number of benches on location on the last day of the preceding month and the number installed during the preceding quarterly period. The fee shall be paid according to the number of benches in place on the last day of the quarterly period, whether or not there is advertising thereon and shall be paid on or before the tenth day of the month following the close of the quarterly period. These payments shall be in lieu of payment to the City of a percentage

of gross receipts or other license fees under the provisions of Chapter I of Title VI of the Modesto Municipal Code.

SECTION 5. PLACEMENT OF BENCHES. No benches shall be placed or installed under the provisions of this franchise until the insurance policy and performance bond required by Sections 14 and 15, respectively, of this franchise shall be filed with the City Clerk.

SECTION 6. MINIMUM NUMBER OF BENCHES. Grantee shall maintain a minimum of one-hundred and twenty-five (125) benches in place during the term of this franchise.

SECTION 7. GENERAL CONDITIONS. This franchise is granted upon and subject to each and all of the conditions set forth in the following sections.

SECTION 8. ADVERTISING SPACE. No advertising matter or sign whatever shall be displayed upon any bench except upon the front surface of the backrest. No advertisement or sign on any bench shall display the words, "Stop", "Look", "Drive-in", "Danger" or any other word, phrase, symbol or character that might interfere with, mislead or distract traffic. Bus schedules shall be placed on every bus bench. No advertising other than bus schedules shall be placed on any benches erected and maintain in areas zoned as residential by the zoning regulations of the City. Commercial advertising shall not be placed on any bench where such advertising is prohibited by the laws of the City. No advertising which does not meet with the approval of the City Manager shall be placed or maintained on any of said benches. Bus schedules shall be on a minimum of nine inches by six inches (9" x 6") and shall be placed on the front of the bench back.

SECTION 9. APPROVAL OF LOCATION. Benches shall be placed, maintained and relocated as required by the City Manager. The benches contemplated are designed for the convenience of those using the buses in the City and shall be placed upon the streets traversed by any public transit buses in the City. The benches may not be installed at any place except public carrier stops except with the express approval of the Council. No bench shall be installed or maintained:

(a) In any alley;

(b) At any location where the distance from the face of the curb to the property line is less than ten (10') feet; provided that whenever, in the opinion of the City Manager, observance of this requirement would result in inconvenience or hardship, this requirement may be waived by the City Manager; or

(c) At any location distant more than fifty (50') feet from the nearest intersecting street; provided that whenever, in the opinion of the City Manager, observance of this requirement would result in inconvenience or hardship, this requirement may be waived by the City Manager; or

(d) At any location when the owner or the person in lawful possession or control of the property abutting upon the public street at the place where the bench is proposed to be located, requests in writing to the City Manager that the bench not be placed or maintained at such location; provided that whenever in the opinion of the City Manager, observance of this requirement would result in inconvenience or hardship, this requirement may be waived by the City Manager.

SECTION 10. RATIO OF BENCHES BETWEEN COMMERCIAL AND RESIDENTIAL AREAS. For each seven (7) benches installed in areas zoned for commercial uses, at least one bench shall be installed in areas zoned for residential uses.

SECTION 11. MAINTENANCE OF BENCHES. All benches must be cleaned regularly and when needed, and must be maintained in good repair in a safe and sightly condition. The City Manager's decision as to the state of repair and condition shall be conclusive. Grantee shall inspect each bench periodically to assure full compliance with the provisions of this section.

SECTION 12. REMOVAL OF BENCHES. No bench after being installed on the streets or sidewalks of the City shall be removed by the Grantee during the term of this franchise except with the consent of the City Manager. The City Manager may, for a cause considered by him reasonable, order the Grantee to remove any bench. When the City Manager orders the bench removed, the Grantee shall remove it within thirty (30) days at his own expense. If he shall fail to do so, the City Manager may order the removal of the bench, and destroy or sell it at his discretion, and may, in addition, bill the Grantee for the removal or destruction in a sum not in excess of Ten and no/100ths (\$10.00) Dollars per bench.

SECTION 13. LOCATION OF BENCHES. The front of all benches shall be placed not less than eighteen (18") inches nor more than thirty (30") inches from the curb line and parallel thereto; provided that whenever, in the opinion of the City Manager, observance of this requirement would result in inconvenience or hardship, this requirement may be varied by the City Manager. No bench shall seat fewer than four (4) people. No bench shall be placed so as to injuriously obstruct passage on the sidewalk or street. No bench shall be placed within fifteen (15') feet of any fire hydrant. No bench shall be more than forty-two (42") inches high nor more than thirty (30") inches wide, nor more than eight (8') feet long, except that, with the consent of the City Manager, two (2) eight (8') foot long benches may be attached together.

SECTION 14. INDEMNITY AND INSURANCE. The Grantee shall indemnify and hold harmless the City of Modesto, its officers, agents and employees, from and against any and all liabilities, claims, demands, actions, losses, damages and costs, including costs of defense thereof, caused by, arising from or in any manner connected directly or indirectly with the rights, privileges and permissions granted by this franchise, including but not limited to the placement, construction or maintenance of benches on streets and sidewalks in the City of Modesto. Upon demand Grantee shall, at its own expense, defend the City of Modesto, its officers, agents and employees, against all such liabilities, claims, demands, actions, losses, damages and costs. The Grantee shall, at all times during the existence of this franchise, maintain in full force and effect at its own cost and expense a comprehensive general liability insurance policy with minimum limits of public liability protection of One Hundred Thousand and no/100ths (\$100,000.00) Dollars per single occurrence for bodily injury, sickness and disease, including death resulting therefrom (hereinafter called "bodily injury"), and Three Hundred Thousand and no/100ths (\$300,000.00) Dollars in the aggregate per occurrence for "bodily injury"; and One Hundred Thousand and no/100ths (\$100,000.00) Dollars for property damage. Grantee may maintain in lieu thereof a Combined Single Limits insurance policy with limits of Three Hundred Thousand and no/100ths (\$300,000.00) Dollars per occurrence for both bodily injury and property damage.

The liability policy and a Certificate of Insurance which is to be furnished to the City shall declare that contractual liability coverage is in full force and effect and that the policy is extended to cover any liability assumed by the Grantee under the terms of this franchise, and shall also contain a cancellation

clause declaring that the insurance coverage may not be cancelled nor coverage or the limits of liability be reduced until thirty (30) days after receipt by the City Clerk of the City of Modesto of a written notice of such intended cancellation or reduction in the coverage or limits of liability.

SECTION 15. PERFORMANCE BOND. The Grantee shall post a performance bond in the sum of One Thousand and no/100ths (\$1,000.00) Dollars guaranteeing its performance of the conditions of this franchise and stating that the said sum of One Thousand and no/100ths (\$1,000.00) Dollars shall be forfeited to the City as liquidated damages in the event that Grantee shall fail to perform the conditions of its franchise. Said bond shall be furnished by a surety company authorized to do business in the State of California and shall be approved by the City Attorney.

SECTION 16. DEFAULT. In the event that either party shall fail or neglect to do or perform each and all of the terms and conditions of this franchise on his or its part to be performed, the aggrieved party may give the party in default thirty (30) days' written notice to correct the conditions in default, and if the party in default refuses or neglects to make such corrections within the thirty (30) day period, the aggrieved party may terminate this franchise. Should Grantee herein default, it will remove all benches within thirty (30) days of the termination of this franchise if requested to do so by City.

SECTION 17. INSPECTION OF BOOKS. The City shall have the right at all reasonable times to examine all books, papers, and records of the Grantee for the purpose of verifying the statements or reports required and for any other purpose whatsoever connected with this franchise.

SECTION 18. DEFACING BENCHES PROHIBITED. No person shall tamper with or deface any bench placed under the franchise granted by this ordinance.

SECTION 19. PENALTY. It shall be unlawful for any person to violate the provisions of Section 18 of this franchise, or to cause, permit or suffer the same to be done; and any person who does shall be deemed guilty of a misdemeanor, and upon conviction of any such violation, such person shall be punished by a fine of not more than One Thousand and no/100ths (\$1,000.00) Dollars or by imprisonment for not more than one year or by both such fine and imprisonment.

SECTION 20. TRANSFER OR ASSIGNMENT. This franchise may not be sold, transferred, assigned or otherwise disposed of, in whole or in part, without the prior written consent of the City Council. The Council may grant or deny any such request and may impose such conditions as it may deem to be in the public interest. Any attempted disposition made without such consent shall be void.

SECTION 21. REPEALS. Ordinance No. 1536-C.S. and Ordinance No. 1789-C.S. are hereby repealed effective April 1, 1980.

SECTION 22. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided that Grantee, prior to said effective date, shall have filed with the City Clerk written acceptance thereof and an agreement to be bound by and comply with all of the requirements thereof, and delivers to the City Clerk the bond and insurance policies required to be furnished pursuant to the provisions of Sections 14 and 15 thereof.

SECTION 23. 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 15th day of January, 1980, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1911-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 5th day of February, 1980, 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: Bright, Elliott, Kullijian, Lang, Muratore, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE City Clerk

EFFECTIVE DATE: March 6, 1980

ORDINANCE NO. 1912 - c. s.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1043-C. S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 28-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (RONALD C. WHITE)" (VIRGINIA BERG)

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1043-C. S. Section 2 of Ordinance No. 1043-C. S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(76) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

24 residential condominium units

Laundry/recreational facilities

Parking as indicated on the approved plan on file in the office of the Director of Planning and Community Development"

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 22nd day of January, 1980, by

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO FORM

Michael F. Dean
Michael F. Dean
Deputy City Attorney

Ord. No. 1912-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 5th day of February, 1980, 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: Bright, Elliott, Kullijian, Lang, Muratore, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

APPROVED

Reggy Mensinger
MAYOR REGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 6, 1980

ORDINANCE NO. 1913 - C. S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1830-C. S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 8-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (Gene Herron and Al Sarina)"

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1830-C. S. Section 2 of Ordinance No. 1830-C. S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D (221) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

142 zero lot line single-family houses."

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 22nd day of January, 1980, by Councilmember Muratore, who moved its introduction and passage to print, which motion

being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1913-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 5th day of February, 1980, 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: Bright, Elliott, Kullijian, Lang, Muratore, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 6, 1980

AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 14
OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL
CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.1401 of Article 14 of
Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read
as follows:

SEC. 3-2.1401. 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 facili-
tate 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
CARPENTER ROAD, between Woodland Avenue and Maze Boulevard within the City limits	50 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
DALE ROAD, between Veneman Avenue and Snyder Avenue	45 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
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
LAUREL AVENUE, between Emerald Avenue and Franklin Street, within the City limits	35 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

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 22nd day of January, 1979, by Councilmember Lang who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

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

APPROVED: 
PEGGY MENSINGER, Mayor

ATTEST:


By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ELWYN L. JOHNSON, City Attorney

APPROVED AS TO FORM


Michael F. Dean
Deputy City Attorney

Ord. No. 1914-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 5th day of February, 1980, 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: Bright, Elliott, Kullijian, Lang, Muratore, Mayor Mensinger
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: Siefkin

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 6, 1980

ORDINANCE NO. 1915 -C. S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1563-C. S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 24-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (COLLEGE WEST PROPERTIES) (P-D 148)" (HANNA AND SALETTA)

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1563-C. S. Section 2 of Ordinance No. 1563-C. S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D (148) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

An industrial business park with uses as permitted in the M-1 Zone with the exception of the following: brewery, food products manufacturing, storage and processing; hatchery and sale of poultry; and animal slaughter. It is intended that any commercial uses shall be incidental only to an industrial or office use for those buildings labeled "A" and "B" on the approved development plan. Commercial uses can, however, be the primary use for those buildings labeled "C" on the approved development plan."

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

SECTION 3. PUBLICATION. 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 5th day of February, 19⁸⁰~~78~~, by Councilmember Lang, who moved its introduction and passage to print,

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of February, 1980, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 20, 1980

ORDINANCE NO. 1916 -C.S.

AN ORDINANCE AMENDING SECTION MAPS 7-3-9 AND 18-3-9
THE ZONING MAP OF THE CITY OF MODESTO. RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (STEINPRESS)

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

SECTION 1. ZONING CHANGE. Sections 7-3-9 and 18-3-9 of the Zoning

Map are hereby amended to reclassify the following-described property

from Low Density Residential Zone, R-1, to

Planned-Development Zone, P-D (254) :

ALL that certain real property situate in a portion of the Southwest Quarter of Section 7 and the Northwest quarter of Section 18, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and lying within the City of Modesto, County of Stanislaus, State of California described as follows:

BEGINNING at the Northwest corner of Lot 4, Block 13315, as shown on that certain map entitled "APPLEGATE NO. 4" filed in Volume 24 of Maps, at Page 32, Stanislaus County Records, said Northwest corner of Lot 4 also being the most Northerly point on the Westerly boundary line of said "APPLEGATE NO. 4"; thence South 0°10'45" East, along said Westerly boundary line and the Southerly prolongation thereof, a distance of 827.05 feet to the intersection with the centerline of Rumble Road, as shown on said map; thence North 88°36'15" West along said centerline of Rumble Road, a distance of 302.07 feet; thence North 0°14'51" West along a line parallel with the centerline of Prescott Road, as shown on said map, a distance of 773.97 feet; thence North 88°34'06" West, 263.88 feet, to the intersection with the centerline of Prescott Road; thence North 0°14'51" West along said centerline of Prescott Road a distance of 53.88 feet; thence South 88°34'06" East, 566.95 feet to the Point of Beginning.

Containing 6.06 acres of land

SECTION 2. USES. The following uses shall be permitted in said P-D(254) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code.

Patio houses, apartments, single family house

SECTION 3. ZONING MAP. Section Maps 7-3-9 and 18-3-9 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 5th day of February, 19⁸⁰, 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: Bright, Elliott, Kullijian, Lang,
Muratore, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *William Richards*
Department of Planning and
Community Development

**Ordinance 1916 C.S.
Exhibit A – Map**

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

Ord. No. 1916-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 February, 1980, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED


MAYOR PEGGY MENSINGER

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 20, 1980

ORDINANCE NO. 1917 -C.S.

AN ORDINANCE AMENDING SECTIONS 8-2.402, 8-2.403 AND 8-2.404 OF ARTICLE 4 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO SALES AND USE TAXES.

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

SECTION 1. AMENDMENT OF CODE. Sections 8-2.402, 8-2.403 and 8-2.404 of Article 4 of Chapter 2 of Title VIII of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 8-2.402. PURPOSE. The Council of the City of Modesto hereby declares that this article is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

(a) To adopt a sales and use tax law which complies with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code of the State of California;

(b) To adopt a sales and use tax law which incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.5 of Division 2 of the said Revenue and Taxation Code;

(c) To adopt a sales and use tax law which imposes a ninety-three one hundredths (.93) of one (1%) per cent tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practical to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes;

(d) To adopt a sales and use tax law which can be administered in a manner that will, to the degree possible consistent with the provisions of Part 1.5 of Division 2 of the said Revenue and Taxation Code, minimize the cost of collecting city sales and use taxes and at the same time minimize the burden of record keeping upon persons subject to taxation under the provisions of this article.

SEC. 8-2.403. SALES TAX. (a) (1) For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers in the City at a rate of ninety-three one hundredths (.93) of one (1%) per cent of the gross receipts of the retailers from the sale of all tangible personal property sold at retail in the City of Modesto on and after the operative date of this article.

(2) For the purposes of this article, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the State sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the Board of Equalization.

(b) (1) Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the said Revenue and Taxation Code, all of the provisions of Part 1 of Division 2 of said Code, as amended and in force and effect on April 1, 1957, applicable to sales taxes are hereby adopted and made a part of this section as though fully set forth herein.

(2) Wherever, and to the extent that in Part 1 of Division 2 of the said Revenue and Taxation Code, the State of California is named or referred to as the taxing agency, the City of Modesto shall be substituted therefor. Nothing in this subdivision shall be deemed to require the substitution of the name of the City of Modesto for the word "State" when that word is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, or the name of the State Treasury, or of the Constitution of the State of California; nor shall the name of the City be substituted for that of the State in any section when the result of that substitution would require action be taken by or against the City or any agency thereof, rather than by or against the State Board of Equalization, in performing the functions incident to the administration or

operation of this article; and neither shall the substitution be deemed to have been made in those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to provide an exemption from this tax with respect to certain gross receipts which would not otherwise be exempt from this tax while those gross receipts remain subject to tax by the State under the provisions of Part 1 of Division 2 of the said Revenue and Taxation Code; nor to impose this tax with respect to certain gross receipts which would not be subject to tax by the State under the said provisions of that Code; and, in addition the name of the City shall not be substituted for that of the State in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 and 6828 of the said Revenue and Taxation Code as adopted.

(3) If a seller's permit has been issued to a retailer under Section 6068 of the said Revenue and Taxation Code, an additional seller's permit shall not be required by reason of this section.

(4) There shall be excluded from the gross receipts by which the tax is measured:

(i) The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.

(ii) Receipts from sales to operators of common carriers and waterborne vessels of property to be used or consumed in the operation of such common carriers or waterborne vessels principally outside of this City.

(4.5) There shall be excluded from the gross receipts by which the tax is measured:

(i) The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.

(ii) The gross receipts from the sale of tangible personal property to operators of waterborne vessels to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the carriage of persons or property in such vessels for commercial purposes.

(iii) The gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

SEC. 8-2.404. USE TAX. (a) An excise tax is hereby imposed on the storage, use or other consumption in the City of Modesto of tangible personal property purchased from any retailer on or after the operative date of this article, for storage, use or other consumption in the City, at the rate of ninety-three one hundredths (.93) of one (1%) per cent of the sales price of the property. The sales price shall include delivery charges when such charges are subject to State sales or use tax regardless of the place to which delivery is made.

(b) (1) Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the said Revenue and Taxation Code, all of the provisions of Part 1 of Division 2 of said Code, as amended and in force and effect on April 1, 1957, applicable to use taxes are hereby adopted and made a part of this section as though fully set forth herein.

(2) Wherever, and to the extent that, in Part 1 of Division 2 of the said Revenue and Taxation Code the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. Nothing in this subdivision shall be deemed to require the substitution of the name of this City for the word "State" when that word is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, or the name of the State Treasury, or of the Constitution of the State of California; nor shall the name of the City be substituted for that of the State in any section when the result of that substitution would require action to be taken by or against the City or any agency thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this article; and neither shall the substitution be deemed to have been made in those sections, including but not necessarily limited to, sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to provide an exemption from this tax with respect to

use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such storage, use or other consumption remains subject to tax by the State under the provisions of Part 1 of Division 2 of the said Revenue and Taxation Code, or to impose this tax with respect to certain storage, use or other consumption of tangible personal property which would not be subject to tax by the State under the said provisions of that Code; and in addition, the name of the City shall not be substituted for that of the State in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 and 6828 of the said Revenue and Taxation Code as adopted, and the name of the City shall not be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 nor in the definition of that phrase in Section 6203.

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

(i) The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.

(ii) The storage, use or other consumption of tangible personal property, the gross receipts from the sale of which has been subject to sales tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city in this State.

(iii) The storage or use of tangible personal property in the transportation or transmission of persons, property or communications or in the generation, transmission or distribution of electricity or in the manufacture, transmission or distribution of gas in intrastate, interstate, or foreign commerce by public utilities which are regulated by the Public Utilities Commission of the State of California.

(iv) The use or consumption of property purchased by operators of common carriers and waterborne vessels to be used or consumed in the operation of such common carriers or waterborne vessels principally outside the City.

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

(i) The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.

(ii) The storage, use or other consumption of tangible personal property, the gross receipts from the sale of which has been subject to sales tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city in this State.

(iii) The storage, use, or other consumption of tangible personal property purchased by operators of waterborne vessels and used or consumed by such operators directly and exclusively in the carriage of persons or property in such vessels for commercial purposes.

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

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after July 1, 1980.

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 5th day of February, 1980, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1917-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 February, 1980, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 20, 1980

ORDINANCE NO. 1918 -C. S.

AN ORDINANCE AMENDING SECTION 8-2.501 OF ARTICLE 5 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO SALES AND USE TAX FUNDS.

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

SECTION 1. Section 8-2.501 of Article 5 of Chapter 2 of Title VIII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 8-2.501. DISPOSITION OF PROCEEDS. All moneys received by the City under or pursuant to the provisions of Article 4 of Chapter 2 of Title VIII of the Modesto Municipal Code shall be deposited as follows:

(a) All of said moneys shall be deposited and paid into the General Fund of the City; except that

(b) The Council, by resolutions adopted from time to time, may direct that up to one-half (1/2) of said money shall be paid into the Special Capital Outlay Fund and shall be expended solely for capital outlays.

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. OPERATIVE DATE. This ordinance shall become operative and shall apply retroactively on and after July 1, 1978.

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 5th day of February, 1980, by Councilmember Lang, who moved its introduction and passage to print.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1918-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 February, 1980, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 20, 1980

ORDINANCE NO. 1919 -C.S.

AN ORDINANCE AMENDING SECTION MAP 25-3-8
OF THE ZONING MAP OF THE CITY OF MODESTO, PREZONING
CERTAIN PROPERTY LOCATED THEREON. (JOAQUIN CONSTRUCTION)

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

SECTION 1. ZONING CHANGE. Section 25-3-8 of the

Zoning Map is hereby amended to prezone the following-described
property to Planned-Development Zone, P-PD(255):

ALL that certain real property situated in the North one-half of Section 25,
Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City
of Modesto, County of Stanislaus, State of California, described as follows:

Parcel No. 1

Lots 3 and 4 in Block No. 2 of PLEASANT HOMES, as recorded in Volume 9 of
Maps, Page 67, Stanislaus County Records.

Parcel No. 2

Lot 3 in Block No. 1 of PLEASANT HOMES, as recorded in Volume 9 of Maps,
Page 67, Stanislaus County Records.

Parcel No. 3

Lots 2 and 3 in Block No. 12 of PLEASANT HOMES, as recorded in
Volume 9 of Maps, Page 67, Stanislaus County Records.

SECTION 2. USES. The following uses shall be permitted in said P-PD(255) 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 maximum of 79 zero lot line patio homes
2. Maintenance of 2 existing dwellings on large lots
3. Recreation room, swimming pool, and R-V parking area

SECTION 3. ZONING MAP. Section Map 25-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least 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 February, 1980, 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: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

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

Ordinance 1919 C.S.
Exhibit A – Map

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

Ord. No. 1919-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of February, 1980, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 23, 1980

ORDINANCE NO. 1920 -C. S.

AN ORDINANCE AMENDING SECTIONS 5-6.17 AND 5-6.18 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO SEWER SERVICE.

The Council of the City of Modesto does ordain as follows

SECTION 1. AMENDMENT OF CODE. Sections 5-6.17 and 5-6.18 of Chapter 6 of Title V of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 5-6.17. CONNECTION TO SEWAGE SYSTEM: WHEN REQUIRED. Every building or structure connected to a septic tank at the time a sewer lateral becomes available as defined in Section 5-6.16 shall be connected to the sewage system within five (5) years after the sewer lateral becomes available.

SEC. 5-6.18. CONNECTION TO SEWAGE SYSTEM: UPON ANNEXATION: WHEN REQUIRED. (a) Buildings or structures connected to septic tanks in territory not located within the Sewer District on July 1, 1967, but which territory is subsequently annexed to the Sewer District, shall be connected to a sewer lateral within five (5) years from the effective date of annexation, where a sewer lateral is available or within five (5) years after a sewer lateral becomes available, whichever occurs later.

(b) Nothing contained in this section shall be construed to invalidate or in any way make subject to refund any sewer service charges which were paid on property which was required to be connected to the sewage system under the provisions of this section as it existed prior to April 1, 1980.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after April 1, 1980,

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 12th day of February, 1980, by

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1920-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of February, 1980, Councilmember Siefkin moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 23, 1980

AN ORDINANCE AMENDING SECTION MAP 19-3-10
OF THE ZONING MAP OF THE CITY OF MODESTO, PREZONING
CERTAIN PROPERTY LOCATED THEREON. (Modesto Development Company)

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

SECTION 1. ZONING CHANGE. Section 19-3-10 of the
Zoning Map is hereby amended to prezone the following-described
property to Planned-Development Zone, P-PD(256):

All that certain real property situate in a portion of Parcel A
in Book 18 of Parcel Maps, at Page 68, Stanislaus County Records,
in the West one-half of Section 19, Township 3 South, Range 10
East, Mount Diablo Base and Meridian, more particularly
described as follows:

Commencing at the Northwesterly corner of said Parcel A, said
point being on the Easterly line of Claus Road; thence South 89° 28' 10"
East along the Northerly line of said Parcel A a distance of 450.00
feet to the true point of beginning of this description; thence South
89° 28' 10" East along said Northerly parcel line a distance of
780.69 feet to a point on the Westerly line of the Modesto Irrigation
District Right-of-Way; thence South 0° 07' 56" West along said line
a distance of 502.42 feet to a point on the Southerly line of said
Parcel A; thence North 89° 32' 14" West along said Southerly line
a distance of 820.00 feet; thence North 0° 27' 46" East a distance of
128.00 feet; thence South 89° 32' 14" East a distance of 39.44 feet;
thence North a distance of 375.35 feet to the true point of beginning.

Containing 9 acres.

SECTION 2. USES. The following uses shall be permitted in said P-PD(256) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code.

67 zero lot line patio houses

SECTION 3. ZONING MAP. Section Map 19-3-10 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. 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 19th day of February, 1980, 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: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST: Norrine Coyse
NORRINE COYSE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Altkhan Pridde
Department of Planning and
Community Development

Ordinance 1921 C.S.
Exhibit A – Map

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

Ord. No. 1927-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 4th day of March, 1980, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: Worrine Coyle
WORRINE COYLE, City Clerk

EFFECTIVE DATE: April 3, 1980

AN ORDINANCE AMENDING SECTION 3-2.1011 of ARTICLE 1 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO PARKING ON PRIVATE PROPERTY.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.1011 of Article 1 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.1011. PARKING ON PRIVATE PROPERTY WITHOUT CONSENT PROHIBITED. (a) No person shall park a vehicle on private property without the direct or implied consent of the owner or person in lawful possession of such property.

(b) No person shall park a vehicle on private property in any parking space which has been clearly designated for disabled persons unless said vehicle shall display a disabled person's license plate or placard issued by the Department of Motor Vehicles in conformance with the provisions of the California Vehicle Code. For purposes of this subsection, such designation shall be made by posting immediately adjacent to, and visible from, each stall or space, a sign consisting of a profile view of a wheelchair with an occupant in white on a blue background.

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 19th day of February, 19 80, by

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

AYES: Councilmembers: Bright, Ellbtt, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 1922-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 4th day of March, 1980, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyne
NORRINE COYNE, City Clerk

EFFECTIVE DATE: April 3, 1980