

ORDINANCE NO. 2008 -C.S.

AN ORDINANCE AMENDING SECTIONS 7-1.602 AND 7-1.603 OF CHAPTER 1 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO CONSTRUCTION OF CANAL CROSSINGS.

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

SECTION 1. AMENDMENT OF CODE. Section 7-1.602 of Chapter 1 of Title VII of the Modesto Municipal Code is hereby amended to read as follows:

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

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

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

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

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

thence northerly along said section line, 1210 feet to the point of beginning.

(c) All that real property in the State of California, County of Stanislaus, being a portion of Sections 13 and 14, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the point of intersection of the center line of 120.00 foot East Briggsmore Avenue with the Western line of Lot 6 of the O. McHENRY RANCH Subdivision, as per map filed February 14, 1905, in Volume 2 of Maps, Page 7, Stanislaus County Records, said point being 5.44 feet Southerly from the Southern line of Lot 2 of said O. McHenry Ranch; thence along said Western line of Lot 6 and the Western line of said Lot 2, Northerly, 2649.73 feet, more or less, to the Northwestern corner of Lot 2 and the Southwestern corner of Lot 13 of the OREGON COLONY, as per map filed February 19, 1910 in Volume 4 of Maps, Page 48, Stanislaus County Records; thence along the Western line of said Lot 13, Northerly, 1322.63 feet, more or less, to the Northwestern corner of Lot 13, said corner being on the center line of a public road known as Floyd Avenue; thence along said center line of Floyd Avenue, said line also being the East-West quarter quarter section line of the North one-half of Section 14, Easterly, 2632.08 feet, more or less, to the East line of Section 14; thence continuing along said center line of Floyd Avenue, said line being the East-West quarter quarter section line of the North one-half of Section 13, Easterly, 2609.32 feet, more or less, to a point on the North-South quarter section line of Section 13, said line also being the Western line of the ADAMS COLONY, as per map filed October 21, 1908 in Volume 4 of Maps, Page 5, Stanislaus County Records; thence along said North-South quarter section line, Southerly, 1323.04 feet, more or less, to the interior quarter corner of Section 13, said corner being the Northeastern corner of Lot 1 of said O. McHenry Ranch Subdivision; thence continuing along the North-South quarter section line of Section 13, said Western line of the Adams Colony and the Eastern line of said Lot 1 of the McHenry Ranch, Southerly 2646 feet, more or less, to the South quarter corner of Section 13; thence continuing Southerly, 130 feet, more or less, to the center line of 120.00 foot Briggsmore Avenue; thence along said center line of East Briggsmore Avenue, Westerly 4043 feet, more or less; thence continuing along the center line of East Briggsmore Avenue; Northwesterly along a tangent curve concave to the North, having a Radius of 3970 feet, a Central Angle of 7° 26' 20" and an Arc Length of 515.44 feet; thence continuing along the center line of East Briggsmore Avenue on a tangent line, Northwesterly 699 feet, more or less, to the point of beginning.

SECTION 2. AMENDMENT OF CODE. Section 7-1.603 of Chapter 1 of Title VII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 7-1.603. ESTABLISHMENT OF FEES. (a) A fee of one and eight-tenths (1.8) cents per square foot of property shall be charged all property described in Section 7-1.602(a) and (b) above as the property's share in the cost of constructing street crossings of irrigation canals.

(b) A fee of seven-tenths (0.7) cents per square foot of property shall be charged all property described in Section 7-1.602(c) above as the property's share in the cost of constructing street crossings of irrigation canals.

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

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once at least two (2) 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 January, 1988 by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was

upon roll call carried and ordered printed and published by the following

vote:

AYES: Councilmembers: **Bright, 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. 2008-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13th day of January, 1981, Councilmember Muratore 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 Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 11, 1981

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1481-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 23-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (GREGORY DEVELOPMENT COMPANY, INC.)"

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1481-C.S. Section 2 of Ordinance No. 1481-C.S. is hereby amended to read as follows:

"SEC. 2. USES. The following uses shall be permitted in said P-D(134) 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. Medical-Dental offices
2. Pharmacy
3. Veterinarian
4. Pharmaceutical laboratory
5. Florist
6. Hospital supply
7. Non-profit educational and scientific agencies
8. Accountants
9. Architects
10. Attorneys
11. Chiropractors
12. Optometrists
13. Chiropodists
14. Engineers
15. Real estate sales
16. Insurance sales
17. Surveyors
18. Stock brokers
19. One financial institution
20. Other uses of the same general character

A minimum of 104 off-street parking spaces"

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 two (2) 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 January, 1981, 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: Bright, Elliott, Lang, Mayor Mensinger

NOES: Councilmembers: Muratore, Siefkin

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. 2009-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 January, 1981, 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, Lang,
Mayor Mensinger

NOES: Councilmembers: Muratore, Siefkin

ABSENT: Councilmembers: Kullijian

APPROVED


MAYOR PEGGY MENSINGER

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 19, 1981



ORDINANCE NO. 2010 -C.S.

AN ORDINANCE AMENDING SECTION MAP 27-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (HOWARD G. BELL)

WHEREAS, a verified application for an amendment to Section 27-3-9

of the Zoning Map was filed by Howard G. Bell

on October 30, 1980, to reclassify from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3, the hereinafter described property, and

WHEREAS, after public hearing held on December 1, 1980, 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. 80-300, adopted on December 1, 1980, the Planning Commission recommended to the Council that the application of

Howard G. Bell

to amend Section 27-3-9 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3, 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 13, 1981, 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-3 zoning conforms to the Zoning and Development Policy for the Sunnyside-Brighton area, adopted by the Planning Commission on July 7, 1980.
2. The property adjoins R-3 zoning and an existing apartment development.

SECTION 2. ZONING CHANGE. Section 27-3-9 of the Zoning

Map is hereby amended to reclassify the following described property

from Low Density Residential Zone, R-1

to Medium High Density Residential Zone, R-3

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

A portion of Lot 40 of Broughton Colony, as per map filed March 17, 1904, in Volume 1 of Maps, page 78, more particularly described as follows:

BEGINNING at the Northeast corner of Lot 40; thence South $0^{\circ}34'10''$ East, 468.83 feet to the Southeast corner of Parcel 1 as shown on that certain Parcel Map filed in the office of the Recorder of Stanislaus County, California, on April 13, 1966, in Book 1 of Parcel Maps at page 102; thence along the southern line of said Parcel 1 and the southern line of Parcel 2 as shown on said Parcel Map, South $82^{\circ}00'50''$ West, 262.50 feet to the True Point of Beginning; thence South $0^{\circ}34'03''$ East, 63.28 feet; thence Southwesterly 106.97 feet to the east line of 40.00 foot wide Brighton Avenue; thence along said east line North $0^{\circ}34'03''$ West 92.17 feet; thence North $89^{\circ}00'22''$ East 103.18 feet to the True Point of Beginning.

Including also all of the Eastern one-half of Brighton Avenue immediately adjacent to the above described property.

SECTION 3. ZONING MAP. Section 27-3-9 of the Zoning

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of January, 1981, by Councilmember Muratore, 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, 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 D. ...
Department of Planning and
Community Development

Ord. No. 2010-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 27th day of January, 1981, 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, Kullijian, Lang, Muratore, Acting Mayor Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

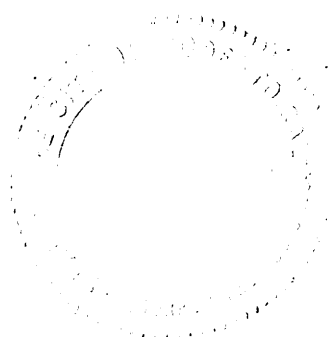
APPROVED

Susan Siefkin
ACTING MAYOR SUSAN SIEFKIN

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 26, 1981



Ordinance 2010 C.S.

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

Ord. No. 2010-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of March, 1981, 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, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

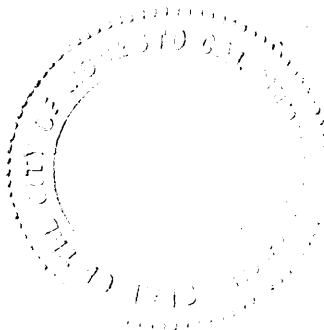
APPROVED


MAYOR PEGGY MENSINGER

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 9, 1981



ORDINANCE NO. 2011 -C.S.

AN ORDINANCE AMENDING SECTION MAP 12-3-8 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (P.D.O. INC.)

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 Medium Density Residential Zone, R-2, to
Planned-Development Zone, P-D (293) :

All that portion of the Northeast quarter of the Northeast quarter of
Section 12, Township 3 South, Range 8 East, Mount Diablo Base and
Meridian, described as follows:

BEGINNING at the Northeast corner of said Section 12; thence South
0°42'15" East along the East line of said Section, a distance of 680
feet; thence West, and parallel with the North line of said Section,
a distance of 188 feet; thence North 2°25'22" West 680.19 feet to a
point on the Northerly line of said Section 12; thence North 88°58'33"
East 208.4 feet to the Northeast corner of said Section 12 and to the
POINT OF BEGINNING.

SECTION 2. USES. The following uses shall be permitted in said P-D(293) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code.

Residential condominiums.

SECTION 3. ZONING MAP. Section Map 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 two (2) 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 January, 1981, by Councilmember Bright, 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:

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

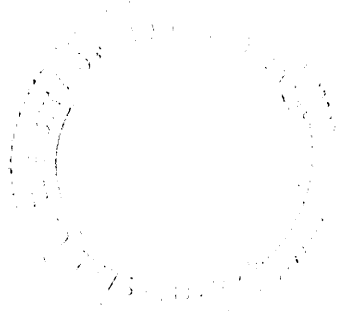
By

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By

William Smith
Department of Planning and
Community Development



Ordinance 2011 C.S.

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

Ord. No. 2011-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 27th day of January, 1981, 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, Kullijian, Lang, Muratore, Acting Mayor Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

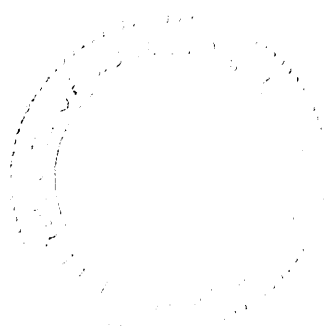
APPROVED

Susan Siefkin
ACTING MAYOR SUSAN SIEFKIN

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: February 26, 1981



AN ORDINANCE ADDING ARTICLE 5 TO CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, PERTAINING TO SALE OF DRUG PARAPHERNALIA AND TO REQUIRE THE EXCLUSION OF MINORS FROM PLACES WHERE CERTAIN DRUG PARAPHERNALIA IS OFFERED FOR SALE.

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

SECTION 1. AMENDMENT OF CODE. Article 5 is hereby added to Chapter 7 of Title IV of the Modesto Municipal Code to read as follows:

ARTICLE 5. SALE OF DRUG PARAPHERNALIA

SEC. 4-7.500. PENALTY PROVISIONS. A violation of any provision of this article shall be punishable as an infraction as set forth in Section 1-2.01 of this Code, except where provisions of this article specifically make such violation a misdemeanor.

SEC. 4-7.501. DRUG PARAPHERNALIA DEFINED. As used in this article, the term "drug paraphernalia" means all equipment, products, and materials of any kind which are intended for use or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, as defined in the Health and Safety Code of the State of California. "Drug paraphernalia" includes, but is not limited to, all of the following:

- (1) Kits intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
- (2) Kits intended for use or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
- (3) Isomerization devices intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.
- (4) Testing equipment intended for use or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances.

(5) Scales and balances intended for use or designed for use in weighing or measuring controlled substances.

(6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, intended for use or designed for use in cutting controlled substances.

(7) Separation gins and sifters intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana or any controlled substance.

(8) Blenders, bowls, containers, spoons, and mixing devices intended for use or designed for use in compounding controlled substances.

(9) Capsules, balloons, envelopes, and other containers intended for use or designed for use in packaging quantities of controlled substances.

(10) Containers and other objects intended for use or designed for use in storing or concealing controlled substances.

(11) Hypodermic syringes, needles, and other objects intended for use or designed for use in parenterally injecting controlled substances into the human body.

(12) Objects intended for use or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil or any controlled substance into the human body, such as:

(a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.

(b) Water pipes.

(c) Carburetion tubes and devices.

(d) Smoking and carburetion masks.

(e) Objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand, such objects being commonly known and referred to as "roach clips."

(f) Cocaine spoons, and cocaine vials.

- (g) Chamber pipes.
- (h) Carburetor pipes.
- (i) Electric pipes.
- (j) Air-driven pipes.
- (k) Chillums.
- (l) Bongs.
- (m) Ice pipes or chillers.

SEC. 4-7.502. EVIDENCE OF DRUG PARAPHERNALIA. In determining whether an object is drug paraphernalia, a court or other authority may consider, in addition to all other logically relevant factors, the following:

(1) Statements by an owner or by anyone in control of the object concerning its use.

(2) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance.

(3) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this article. The innocence of an owner, or of anyone in control of the object, as to a direct violation of this article shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia.

(4) Instructions, oral or written, provided with the object concerning its use.

(5) Descriptive materials accompanying the object which explain or depict its use.

(6) National and local advertising concerning its use.

(7) The manner in which the object is displayed for sale.

(8) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.

(9) The existence and scope of legitimate uses for the object in the community.

(10) Expert testimony concerning its use.

SEC. 4-7.503. EXEMPTIONS. This article shall not apply to the following persons:

(1) A licensed pharmacist or other person authorized by law who sells or furnishes drug paraphernalia described in paragraph (11) of Section 4-7.501 upon the prescription of a physician, dentist, or veterinarian.

(2) Any physician, dentist, or veterinarian who furnishes or prescribes drug paraphernalia described in paragraph (11) of Section 4-7.501 to his or her patients.

(3) Any manufacturer, wholesaler or retailer licensed by the California State Board of Pharmacy to sell or transfer drug paraphernalia described in paragraph (11) of Section 4-7.501.

SEC. 4-7.504. MINORS EXCLUDED. No owner, manager, proprietor or other person in charge of any room or enclosure in any place of business selling, or displaying for the purpose of sale, any drug paraphernalia when such person knows, or reasonably should know, that the drug paraphernalia is for use as such, shall allow or permit any person under the age of eighteen (18) years to be in, remain in, enter, or visit such room or enclosure unless such minor is accompanied by one of his or her parents or by the minor's legal guardian.

SEC. 4-7.505. ENTRY BY MINORS. No person under the age of eighteen (18) years shall be in, remain in, enter, or visit any room or enclosure in any place used for the sale, advertising, or displaying for sale of any drug paraphernalia, unless such person is accompanied by one of his or her parents, or his or her legal guardian, when such minor knows, or reasonably should know, that the drug paraphernalia is for use as such.

SEC. 4-7.506. SALE AND DISPLAY ROOMS. No person shall display for sale, offer to sell, sell or store, any drug paraphernalia, when such person knows or reasonably should know, that the drug paraphernalia is for use as such, except within a separate room or enclosure from which persons under the age of eighteen (18) years are excluded, except when accompanied by a parent or guardian, and from the outside of which room or enclosure the display, storage, or sale of drug paraphernalia is not visible.

SECTION 2. SEVERABILITY. The City Council of the City of Modesto hereby declares that should any portion, section, paragraph, sentence or word of this ordinance be declared for any reason to be invalid, it is the intent of the Council that it would have passed all other portions of this ordinance independent of the elimination of any portion declared invalid.

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

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once at least two (2) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of February, 1981, 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:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 2012-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of February, 1987, 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

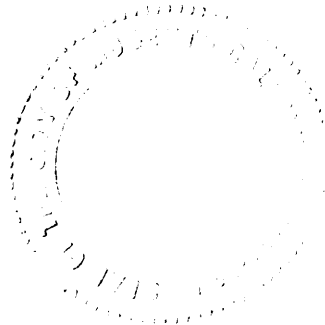
APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 12, 1987



ORDINANCE NO. 2013 -C.S.

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

WHEREAS, a verified application for an amendment to Section 22-3-9 of the Zoning Map was filed by Zagaris Management Services on October 17, 1980, to reclassify from Medium High Density Residential Zone, R-3, to Professional Office Zone, P-0, the hereinafter described property, and

WHEREAS, after public hearing held on December 1, 1980, 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. 80-301, adopted on December 1, 1980, the Planning Commission recommended to the Council that the application of Zagaris Management Services to amend Section 22-3-9 of the Zoning Map to reclassify the hereinafter described property from Medium High Density Residential Zone, R-3, to Professional Office Zone, P-0, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on February 3, 1981, 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 total P-0 coverage proposed generally conforms to the amount shown on the staff recommended zoning plan for lower Oakdale Road.

2. Through plot plan review in the P-0 zoning, future development of the property can be made compatible with surrounding properties.

SECTION 2. ZONING CHANGE. Section 22-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium High Density Residential Zone, R-3, to Professional Office Zone, P-0:

ALL that portion of Lot 1 in Block 1347, of Eastridge Plaza as shown on that map filed in Book 27 of Maps, at Page 94, Stanislaus County Records, and a portion of Section 22, 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 Northeast corner of the Southeast quarter of the Northeast quarter of said Section 22, being also the centerline intersection of Oakdale Road and East Orangeburg Avenue; thence South $89^{\circ}54'35''$ West, 455.84 feet, along the centerline of said East Orangeburg Avenue to its intersection with the centerline of Santa Paula Drive; thence along said centerline of Santa Paula Drive the following four (4) courses and distances: (1) North $0^{\circ}05'25''$ West, 138.99 feet to the beginning of a curve concave to the West having a radius of 800.00 feet and a central angle of $8^{\circ}10'04''$ (2) thence Northerly, 114.04 feet along the arc of said curve to the point of reverse curvature with a curve concave to the East having a radius of 800.00 feet and a central angle of $19^{\circ}36'30''$ (3) thence Northerly, 273.78 feet along the arc of said curve to the point of reverse curvature with a curve concave to the West having a radius of 1000.00 feet and a central angle of $1^{\circ}13'28''$ (4) thence Northerly 21.37 feet along the arc of said curve; thence leaving said centerline South $79^{\circ}52'27''$ East, 25.00 feet to the East line of said Santa Paula Drive; thence North $89^{\circ}52'15''$ East, 195.14 feet; thence North $0^{\circ}45'00''$ West, 347.50 feet to the North line of said Lot 1; thence North $89^{\circ}52'15''$ East, 226.18 feet along said North line and its Easterly extension to said centerline of Oakdale Road; thence South $0^{\circ}45'00''$ East, 889.37 feet along said centerline to the Point of Beginning.

Containing 7.517 Acres

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 3rd day of February, 1981, by Councilmember Kullijian, 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, 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

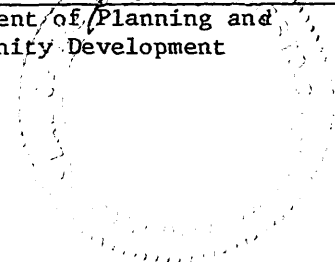
(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William P. Richards
Department of Planning and
Community Development



Ordinance 2013 C.S.

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

Ord. No. 2013-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of February, 1981, 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

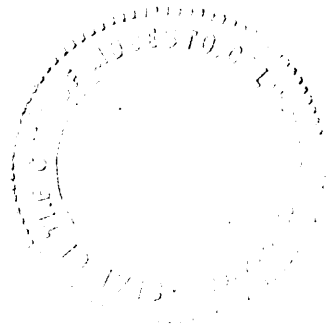
APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 12, 1981



AN ORDINANCE AMENDING SECTION 4-4.506 OF THE MODESTO MUNICIPAL CODE RELATING TO LOT LINE ADJUSTMENTS.

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

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

SECTION 4-4.506. LOT LINE ADJUSTMENT. (a) In General. A lot line adjustment between two or more adjacent parcels, where the land taken from one parcel does not exceed ten percent (10%) of the total gross area of the smaller parcel, is added to an adjacent parcel, and a greater number of parcels than originally existed is not thereby created, may be approved by the Secretary of the Planning Commission, without the approval and filing of a parcel map. A lot line adjustment shall not be approved unless the diminished parcel and any structure(s) or parking space(s) located thereon will comply with area, width, frontage, and yard requirements of the zone in which the parcel is located, except that where existing parcels are nonconforming with respect to zone requirements a lot line adjustment may be approved so long as the degree of nonconformance is not increased.

(b) Filing and Approval. An application for a lot line adjustment shall be filed with the Secretary of the Planning Commission and shall be in the form and contain the information required by the Secretary of the Planning Commission. Upon receipt of an application the Secretary of the Planning Commission shall review the proposal for compliance with the provisions of Section 4-4.506(a) and such other guidelines or policies as may be established by the Planning Commission. Following review of the application the Secretary may approve or disapprove the lot line adjustment by executing an appropriate certificate of approval or denial.

(c) Conditions of Approval. The Secretary of the Planning Commission may require that a property survey of the altered parcels be made and a record of survey recorded in accordance with the provisions of the California Land Surveyors Act (Chapter 15, Division 3, of the Business and Professions Code). The Secretary of the Planning Commission may also impose such other reasonable conditions as the Secretary deems necessary to establish a record of the lot line adjustment, to insure dedication and improvement of adjacent streets and/or alleys, or to provide for utility services to the affected parcels.

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

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least two (2) days prior to its final adoption in the Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of February, 1981, 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

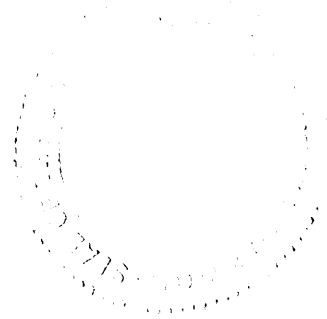
ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



Ord. No. 2014-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of February, 1981, 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

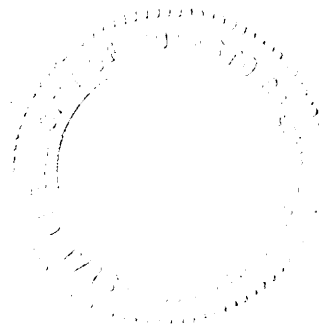
APPROVED


MAYOR PEGGY MENSINGER

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 12, 1981



ORDINANCE NO. 2015 -C.S.

AN ORDINANCE AMENDING SECTION MAP 8-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (DUANE HUFF)

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

SECTION 1. ZONING CHANGE. Section 8-3-9 of the Zoning

Map is hereby amended to reclassify the following-described property

from Medium High Density Residential Zone, R-3, to

Planned-Development Zone, P-D (294) :

All that certain real property as shown on the map of Tierra Plaza filed in Volume 26 of Maps at page 78, Stanislaus County Records, being a subdivision of a portion of the Standiford Colony, being a portion of the Southwest quarter of Section 8, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California; also including the South 30 feet of Standiford Avenue adjacent to Tierra Plaza and the East 30 feet of Colonial Drive adjacent to Tierra Plaza.

SECTION 2. USES. The following uses shall be permitted in said P-D(294) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code.

Residential condominiums.

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

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least two (2) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 1981, 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, Kullijian, Lang, Muratore,
Acting Mayor Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED:

Susan D. Siefkin
~~REGINA MENSINGER, Mayor~~
SUSAN D. SIEFKIN, Acting Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

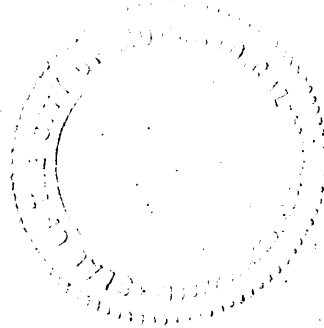
By

E. L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By

William Smith
Department of Planning and
Community Development



Ordinance 2015 C.S.

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

Ord. No. 2015-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 17th day of February, 1981, Councilmember Kullijian 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

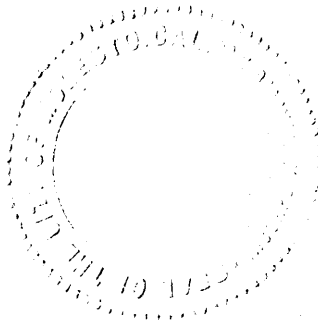
ABSENT: Councilmembers: None

APPROVED

Reggy Mensinger
MAYOR REGGY MENSINGER

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 19, 1981



5

ORDINANCE NO. 2016 -C.S.

AN ORDINANCE AMENDING SECTION MAP 7-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (C.W. BROWER, INC.)

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 Low Density Residential Zone, R-1 to

Planned-Development Zone, P-D (292) :

All that certain real property situate in the City of Modesto, County of Stanislaus, State of California, described as follows:

All that portion of the Northwest one-quarter of Section 7, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, shown as Parcel A on that certain Parcel Map filed for record February 1, 1973, in Volume 16 of Parcel Maps, at page 18, Stanislaus County Records.

Including also the western one-half of Carver Road, and the northern one-half of Standiford Avenue immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(292) 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) Uses permitted in the C-1 Zone.

(b) The existing cocktail lounge and restaurant may continue under this P.D. in the same structure or portion thereof, however, such an existing C-2 use may not be intensified or expanded in any way. In addition, if there is a cessation of operation of the cocktail lounge and restaurant said use shall be no longer allowed.

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 two (2) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February, 1981, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang

NOES: Councilmembers: Muratore, Siefkin, Mayor Mensinger

ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

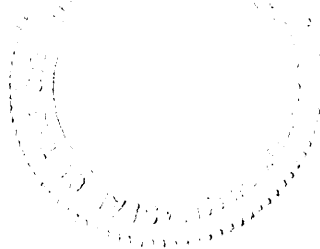
(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *Arthur A. Meade*
Department of Planning and
Community Development



Ordinance 2016 C.S.

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

Ord. No. 2016-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of February, 1981, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Elliott, Kullijian, Lang

NOES: Councilmembers: Muratore, Siefkin, Mayor Mensinger

ABSENT: Councilmembers: None

APPROVED

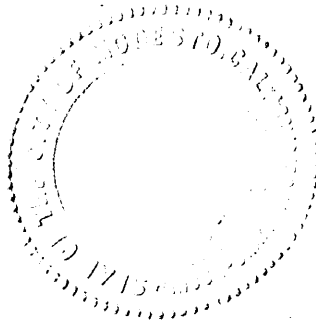
Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: _____

March 26, 1981



ORDINANCE NO. 2017 -C. S.

AN ORDINANCE AMENDING SECTIONS 10-2.1904, 10-2.2504 AND 10-2.3503 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO THE ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 10-2.1904, 10-2.2504 and 10-2.3503 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.1904. POWERS AND DUTIES. The Board shall have the following powers and duties:

(a) To grant certain variances and conditional use permits in accordance with the provisions of Article 20 of this chapter.

(b) To hear and determine appeals from the decisions of the Chief Building Official, Director of Planning and Community Development, or any other administrative officer of the City which involves the application of any of the provisions of this chapter.

(c) To hear and determine appeals from the granting or denying of any other permit of any kind or nature affected by this chapter, the master plan, or any other plan or regulation authorized and adopted pursuant to the provisions of the Planning Act of 1953 (Title 7, Chapter 1 of the Government Code).

(d) Where a zone boundary line divides a lot in a single ownership at the time of the effective date of this chapter, the Board of Zoning Adjustment may permit a use authorized on either portion of such lot to extend not more than seventy-five (75') feet into the other portion of the lot.

In granting any conditional use permits or variances, the Board may impose such conditions as it deems necessary or desirable to protect the public health, safety, or welfare, in accordance with the purpose and intent of this chapter.

SEC. 10-2.2504. ENFORCEMENT. (a) The Chief Building Official, Chief of Police, and the Director of Planning and Community Development are hereby designated and authorized as the officers charged with the enforcement of this chapter. They shall enforce all of the provisions of this chapter and their failure to do so shall not legalize any violation of such provisions. The Chief Building Official shall not issue any permit unless the plans of and for the proposed erection, construction, reconstruction, alterations and use fully conform to all provisions of this chapter.

(b) In addition to any other remedy provided by law, whenever any building, structure or land is being used or occupied contrary to the provisions of this chapter, the Chief Building Official, Chief of Police, or Director of Planning and Community Development may order such use or occupancy discontinued and the building, structure or land or portion thereof to be vacated by serving notice on any person or persons causing such use or occupancy to be continued. Such person or persons shall discontinue such use or occupancy within ten (10) days after the receipt of such notice or make the use of the building, structure or land or portion thereof comply with the requirements of this chapter. The Chief Building Official, Chief of Police, or Director of Planning and Community Development may allow more than ten (10) days for compliance and designate a compliance date he deems reasonable under the circumstances. Such notice and order shall be stayed pending the completion of any appeal therefrom or any request for a variance.

SEC. 10-2.3503. ADMINISTRATION. (a) Duty to Enforce. It is the duty of the Chief Building Official and Director of Planning and Community Development to enforce all of the provisions of this article.

(b) Inspection. Every sign prior to erection in the City of Modesto shall be subject to approval by the Chief Building Official to assure compliance with all provisions of this article and all other laws and ordinances of the City.

(c) Compliance with Chapter; Nuisance; Abatement. The Council hereby determines that the public peace, safety, morals, health and welfare require that all signs heretofore constructed, erected or painted in violation of any law or ordinance of the City of Modesto in effect at the time such sign was constructed, erected or painted be and they are hereby made subject to the provisions of this article and shall conform and comply with such requirements forthwith, and that all signs which shall not so conform and comply and all signs which shall hereafter be constructed, erected or painted in violation of the provisions of this article shall be and they are hereby declared public nuisances to be removed and abated in the manner provided herein.

(d) Permits Required. It shall be unlawful for any person to erect, alter, change copy or relocate within the City any sign as defined in this article without first obtaining a permit from the Chief Building Official and making payment of the fee required in subsection (i) of this section; except that the following listed signs are not required to have permits or pay permit fees, but shall meet all other requirements of this article:

- (1) Construction sign;
- (2) For sale or rent sign;
- (3) Garage sale sign;
- (4) Unlighted interior directional, warning or information sign;
- (5) Nameplate, one (1) square foot maximum size;
- (6) Open house directional sign;
- (7) Political signs permitted by Section 10-2.3509 or 10-2.3510 of these sign regulations;
- (8) Signs for fireworks stands, pumpkin sales and Christmas tree sale lots;
- (9) Subdivision directional sign;
- (10) Corporate flag.

(e) Application for Permit. Application for sign permits shall be made upon forms provided by the Chief Building Official, and shall contain or have attached hereto the following information and material:

- (1) Name, address and telephone number of the owner of the property.
- (2) Name, address and telephone number of the applicant (owner of the sign).
- (3) Name, address and telephone number of the sign contractor and contractor's state license number.

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 two (2) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February ~~MARCH~~, 1981, 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

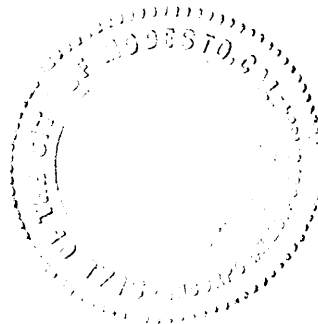
ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



Ord. No. 2017-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of February, 1981, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

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

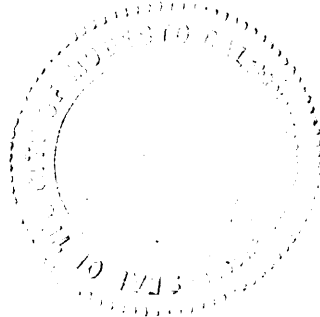
APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: March 26, 1981



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

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

SECTION 1. ZONING CHANGE. Section 9-3-9 of the Zoning
Map is hereby amended to reclassify the following described property
from Medium Density Residential Zone, R-2, to
Planned-Development Zone, P-D (295) :

All that certain real property as shown on the Map of Grand Prix
Plaza, filed in Book 26 of Maps at Page 15, Stanislaus County Records;
being a subdivision of Lot 4, of Block 12460 of Grand Prix Estates;
being a portion of the Northeast quarter of Section 9, Township 3
South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto,
County of Stanislaus, State of California; also including the West one
half of Coffee Road adjacent to Grand Prix Plaza, the East one half of
Maserati Drive adjacent to Grand Prix Plaza and the South one half of
Grand Prix Drive adjacent to Grand Prix Plaza.

SECTION 2. USES. The following uses shall be permitted in said P-D(295) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code.

residential condominiums

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

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least two (2) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 19⁸¹, by Councilmember Kullijian, 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:

Norrine Coyle
NORRINE COYLE, City Clerk

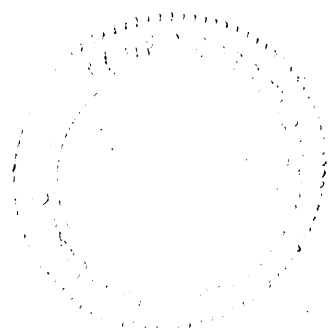
(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *William Durb*
Department of Planning and
Community Development



Ordinance 2018 C.S.

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 3rd day of March, 1981, 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

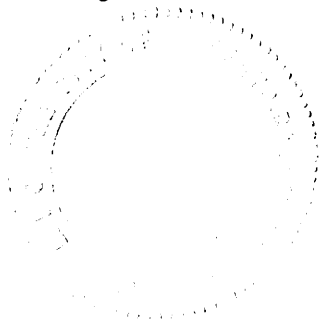
NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 2, 1981



AN ORDINANCE AMENDING SECTION MAP 23-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (HORN CONSTRUCTION)

WHEREAS, a verified application for an amendment to Section 23-3-9 of the Zoning Map was filed by Horn Construction

on December 15, 1980, to reclassify from Medium High Density Residential Zone, R-3, to Professional Office Zone, P-O, the hereinafter described property, and

WHEREAS, after public hearing held on January 19, 1981, 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. 81-30, adopted on January 19, 1981, the Planning Commission recommended to the Council that the application of Horn Construction

to amend Section 23-2-9 of the Zoning Map to reclassify the hereinafter described property from Medium High Density Residential Zone, R-3, to Professional Office Zone, P-O, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on February 24, 1981, 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 reason:

The property is directly across Lakewood Avenue from an approved neighborhood shopping center and thus meets the locational criteria for P-O zoning.

SECTION 2. ZONING CHANGE. Section 23-3-9 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 :

All that certain real property situated in the northeast quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, located in the City of Modesto, County of Stanislaus, State of California, described as follows:

Commencing at the Southeast corner of the Northeast quarter of the Northeast quarter of said Section 23, said point being the intersection of Lakewood Avenue and East Orangeburg Avenue; thence North 0° 14' 45" West along the centerline of Lakewood Avenue, a distance of 605.02 feet to the true point of beginning; thence North 89° 42' 00" West 421.00 feet to the West line of Lot 38 and Lot 39, Block 1568 Orangeburg Heights Subdivision, recorded in Book 25 of Maps at Page 86, Stanislaus County Records; thence North 0° 14' 35" West along the West line of Lot 38 and Lot 39, a distance of 599.00 feet to the centerline of Briggsmore Avenue; thence South 89° 42' 00" East along the centerline of Briggsmore Avenue a distance of 421.00 feet to the intersection of Lakewood Avenue; thence South 0° 14' 45" East along the centerline of Lakewood Avenue a distance of 599.00 feet to the point of beginning.

4.59 Acres Net

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

SECTION 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 two (2) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February 1981, 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, 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 M. Mudd
Department of Planning and
Community Development

Ordinance 2019 C.S.

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

Ord. No. 2019-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 3rd day of March, 1981, Councilmember Muratore 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:

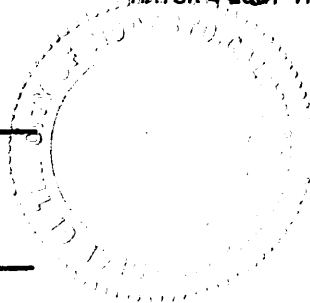
AYES: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Mensinger

APPROVED


MAYOR PEGGY MENSINGER

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 2, 1981



ORDINANCE NO. 2020 -C. S.

AN ORDINANCE AMENDING SECTION MAP 29-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (PLANNING COMMISSION INITIATED)

WHEREAS, on November 17, 1980, by Resolution No. 80-291, the Planning Commission initiated proceedings to amend Section 29-3-9 of the Zoning Map to reclassify from Neighborhood Commercial Zone, C-1, to General Commercial Zone, C-2, the hereinafter described property, and

WHEREAS, after public hearing held on January 19, 1981, it was found and determined by the Planning Commission that rezoning of the property is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 81-27, adopted on January 19, 1981, the Planning Commission recommended to the Council that the proposal to amend Section 29-3-9 of the Zoning Map to reclassify the hereinafter described property from Neighborhood Commercial Zone, C-1, to General Commercial Zone, C-2, as initiated by the Planning Commission, 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 March 3, 1981, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the rezoning, as initiated by the Planning Commission, 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. Unlike other sections in the "Downtown Grid" which still possess a residential commitment, the dwellings in the subject area are being converted to offices and shops, and are extensively being removed for modern commercial structures and parking.
2. The area is an integral and growing part of the Downtown Business District and not a "neighborhood" commercial area.
3. The commercial growth in this area has made the division between the C-1 and adjoining C-2 areas artificial.

SECTION 2. ZONING CHANGE. Section 29-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Neighborhood Commercial Zone, C-1, to General Commercial Zone Zone, C-2 :

All that certain real property situate in a portion of the north one-half of the southeast quarter and the south one-half of the northeast quarter of Section 29, Township 3 South Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, including:

All or portions of City of Modesto Blocks I, J, 86, 91, 107, 108, 109, 110, 111, 123, and 124 described as follows:

Beginning at a point as established by the intersection of the center lines of 75-foot wide Sycamore Avenue and original 65-foot wide Needham Street; thence along said centerline of Needham Street in a easterly direction to the intersection of the northwestern prolongation of the centerline of the 20-foot wide alley in City of Modesto Block 124; thence along said prolongation and centerline to a point 140-feet northwest of the centerline of 80-foot wide "J" Street; thence leaving the centerline of said alley in Block 124 and in a southwesterly direction parallel to and 140-foot distant from the centerline of said J Street to the centerline of the 20 foot wide alley in City of Modesto Block 107; thence along said centerline and its northwesterly prolongation to the centerline of 80 foot wide "K" Street; thence continuing in a northwesterly direction along the southeasterly prolongation of the centerline of the 20 foot wide alley in City of Modesto Block 108 and centerline to a point 115 feet northwest of said "K" Street centerline; thence leaving the centerline of said alley in Block 108 and in a southwesterly direction parallel to and 115 feet distant from the centerline of said "K" Street to the centerline of the 20 foot wide alley in City of Modesto Block 86; thence northwesterly along said alley centerline 200.00 feet to the intersection with the southwest prolongation of the lot line common to lots 5 and 6; thence along said prolongation and lot line and the northeast prolongation of said lot line 190.00 feet to the centerline of 80.00 foot wide 12th Street; thence along said centerline in a northwest direction 81.00 feet to a point 84.00 feet distant from the centerline of 80.00 foot wide "L" Street; thence leaving the centerline of "12th" Street and in a southwesterly direction parallel to and 84.00 feet distant from the centerline of said "L" Street 190.00 feet to the centerline of said alley in Block 86; thence northwesterly along said alley centerline 84.00 feet to the centerline of said "L" Street;

thence along the centerline of "L" Street 570.00 + feet to the centerline of 80.00 foot wide "13th" Street; thence along the centerline of "13th" Street in a northwesterly direction 610.00 feet to the originally mentioned centerline of Needham Street; thence along said centerline in a easterly direction to the point of beginning.

Including also a portion of City of Modesto Block 89 described as follows:

Beginning at the most southern corner of Lot 16 of said Block 89; thence northeasterly along the southeastern line of Lot 16 a distance of 35.00 feet; thence at right angles northwesterly 95.00 feet to a line parallel to and 5.00 feet southeasterly from the southeast line of Lot 12 of said Block 89; thence at right angles and along said line northeast 35.00 feet; thence at right angles and in a northwest direction 55.97 + feet to the south line of Needham Street; thence westerly along the south line of Needham Street 98.48 feet to the northeastern line of the 20.00 foot wide alley in Block 89; thence southeasterly along said northeastern alley line 222.07 feet to the most southern corner of said Lot 16 and the point of beginning.

Including also all of the south one-half of Needham Street and the northwestern one-half of "M" Street immediately adjacent to the above described property.

SECTION 3. ZONING MAP. Section 29-3-9 of the Zoning

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

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least two (2) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of March, 1981, by Councilmember Siefkin, 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, 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 Roger Picquet
ROGER PICQUET, Deputy City Attorney

APPROVED AS TO DESCRIPTION:

By William Phillips
Department of Planning and
Community Development

Ordinance 2020 C.S.

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

Ord. No. 2020-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of March, 1981, 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, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 9, 1981

AN ORDINANCE AMENDING SECTION 10-2.225.1 OF ARTICLE 2 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO ZONING.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.225.1 of Article 2 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.225.1. FAMILY AMUSEMENT MACHINE CENTER. A business which has as its primary function the operation of nine (9) or more amusement machines as defined in Sections 4-1.103 and 4-1.104 of the Municipal Code. Said business shall be confined wholly within a structure.

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 two (2) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of March, 1981, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and

ordered printed and published by the following vote:

AYES: Councilmembers: Bright, 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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of March, 1981, 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:

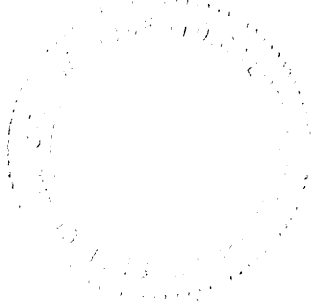
- AYES:** Councilmembers: Bright, Elliott, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: None

APPROVED


MAYOR PEGGY MENSINGER

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 9, 1981



ORDINANCE NO. 2022 -C. S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 949-C. S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 26-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, PREZONING CERTAIN PROPERTY LOCATED THEREON. (WILBUR GRANT)" (CALVIN BRIGHT, LEW & ASSOCIATES).

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 949-C. S. Section 2 of Ordinance No. 949-C. S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(60) 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. 96 residential condominium units;
2. Four (4), fourplex structures;
3. Three (3), triplex structures; and
4. Eight (8), duplex structures."

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 two (2) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 1981, 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, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Pecky Mensinger
PECKY MENSINGER, Mayor

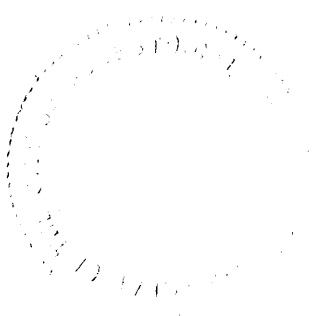
ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



Ord. No. 2022-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 17th day of March, 1981, 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, Patterson, Acting Mayor Siefkin
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Mensinger

APPROVED


MAYOR PEGGY MENSINGER

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 16, 1981

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

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

SECTION 1. ZONING CHANGE. Section 22-3-9 of the Zoning
Map is hereby amended to reclassify the following described property
from _____ Professional Office Zone, P-O, _____ to
Planned-Development Zone, P-D (296) :

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

The south half of Lot 5, all of Lot 6, and the north 63.26 feet of Lot 7
in Block 1212 of Garden Acre Tract, as per map thereof filed November 18,
1940 in Volume 14 of Maps, Page 9, Stanislaus County Records.

Including also all of the east one-half of Coffee Road and west one-half
of Water Street immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(290) 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.

Business/professional office condominium allowing occupancy of P-O Zone uses.

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

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least two (2) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 1981, by Councilmember Muratore, 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, Patterson,
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 2023 C.S.

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

Ord. No. 2023-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 17th day of March, 1981, 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, Patterson, Acting Mayor Siefkin
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Mensinger

APPROVED


MAYOR PEGGY MENSINGER

ATTEST:


NORRINE COYLE, City Clerk

EFFECTIVE DATE:

April 16, 1981

ORDINANCE NO. 2024 -C. S.

AN ORDINANCE ADDING SECTION 10-2.2703.1 TO ARTICLE 27 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING THE ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.2703.1 is hereby added to Article 27 of Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.2703.1. CONDOMINIUMS. Condominiums, community apartment projects and stock cooperatives, whether residential or otherwise, are permitted uses only in the Planned Development Zone. Any Planned Development Zone application for rezoning to permit a condominium project, community apartment project, or stock cooperative shall be accompanied by an application for a tentative subdivision map in accordance with the requirements of Chapter 4 of Title IV of the Modesto Municipal Code.

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 two (2) days prior to its final adoption in the Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of March, 1981, by Councilmember Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried

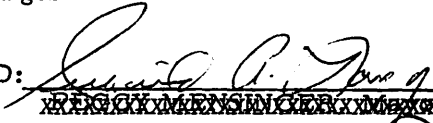
and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Elliott, Muratore, Patterson, Siefkin,
Acting Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED:


~~RICHARD A. MENSINGER, Mayor~~
RICHARD A. LANG, Acting Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24th day of March, 1981, 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, Patterson, Siefkin, Mayor Mensinger
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 23, 1981

AN ORDINANCE AMENDING SUBSECTIONS (b) AND (c) OF SECTION 2 OF ORDINANCE NO. 1611-C.S. ENTITLED, "AN ORDINANCE GRANTING TO ECOLOGY ACTION EDUCATIONAL INSTITUTE, INC. A LIMITED LICENSE FOR THE COLLECTION OF SALVAGEABLE WASTE IN THE CITY OF MODESTO."

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1611-C.S. Subsections (b) and (c) of Section 2 of Ordinance No. 1611-C.S. are hereby amended to read as follows:

"(b) Said license shall be a non-exclusive license to collect salvageable waste only as specifically set forth herein.

"(c) For purposes of said license, salvageable waste is limited to glass, metal cans, newsprint, and cardboard collected in residentially zoned areas of the City of Modesto; and computer printouts, tab cards, white and colored office paper collected in commercially zoned areas of the City of Modesto."

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 two (2) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of March, 1981, by Councilmember Elliott, who moved its introduction and passage to print,

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

AYES: Councilmembers: Bright, Elliott, Muratore, Patterson, Siefkin,
Acting Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED: Richard A. Lang

~~RICHARD A. LANG, Mayor~~

RICHARD A. LANG, Acting 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 24th day of March, 1981, 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, Patterson, Siefkin, Mayor Mensinger
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 23, 1981

AN ORDINANCE AMENDING SECTION MAP 31-3-9 _____ OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (JOAQUIN CONSTRUCTION
COMPANY)

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 _____ Low Density Residential Zone, R-1, _____ to
Planned-Development Zone, P-D (297) _____:

ALL that portion of the Southwest Quarter of Section 31, Township 3 South,
Range 9 East, Mount Diablo Base and Meridian, described as follows:

BEGINNING at the Southeast corner of Parcel B as shown on the map recorded
in Book 27 of Parcel Maps at Page 22, Stanislaus County Records; thence
North 0°51' West on the east line of Parcel B 1033.68 feet to the northeast
corner of Parcel B; thence South 89°55' West on the north line of said
Parcel B 363.00 feet to the northwest corner of Parcel B; thence continuing
South 89°55' West, 260.01 feet to the East line of present 90 foot wide
Carpenter Road; thence South 0°51' East on the east line of said Carpenter
Road 1020.32 feet to the beginning of a curve concave to the northeast
having a radius of 15.00 feet and a central angle of 89°22'10"; thence
southeasterly on the arc of said curve 23.40 feet to a point 30.00 feet
north of the present centerline of Houser Lane; thence North 89°46'50" East
30.00 feet north of and parallel with the centerline of Houser Lane 245.16
feet to the southwest corner of said Parcel B; thence continuing North
89°46'50" East on the north line of said Houser Lane 363 feet to the point
of beginning.

Including also the North one-half of Houser Lane and the East 70.00 feet of
Carpenter Road immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(297) 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.

Single family dwellings each with attached 2-car garage

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 two (2) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 1981, 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, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: Elliott, Lang, Patterson

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

Michael C. Herrero
Department of Planning and
Community Development

Ordinance 2026 C.S.

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of April, 1981, Councilmember Elliott 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, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: Lang, Patterson

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 7, 1981

AN ORDINANCE AMENDING SECTION MAP 7-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (DE ROUSI & HANSEN)

WHEREAS, a verified application for an amendment to Section 7-4-9

of the Zoning Map was filed by Michael A. De Rousi and Gary R. Hansen

on January 15, 1981, 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 February 17, 1981, 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. 81-54, adopted on February 17, 1981, the Planning Commission recommended to the Council that the application of Michael A. De Rousi and Gary R. Hansen

to amend Section 7-4-9 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone,
R-1, to Medium Density Residential
Zone, R-2, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on March 24, 1981, 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 reason:

- (a) The proposed R-2 zoning conforms to the General Plan criteria for such zoning as well as the Zoning and Development Plan for Bret Harte and Portion of Fairview Neighborhoods.

SECTION 2. ZONING CHANGE. Section 7-4-9 of the Zoning

Map is hereby amended to reclassify the following described property
from Low Density Residential Zone, R-1,
to Medium Density Residential Zone, R-2 :

The north 305.00 feet of the following described property:

All that portion of the East half of Section 7, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Commencing at a point on the quarter section line, extending East and West through said Section 7, which point bears North 89° 33' West, 483.12 feet from the Southeast corner of the Northeast quarter of Section 7 to the true point of beginning of this description; thence North 0° 11' East 1,397.61 feet to the south line of 90.00 foot wide Hatch Road; thence along said south line South 88° 10' 25" West 469.10 feet; thence South 0° 11' West 1,386.18 feet to the north line of 50.00 foot wide T.I.D. Lateral No. 1; thence along said Lateral South 89° 33' East 463.65 feet; thence leaving said north line North 0° 11' East 6.80 feet to the true point of beginning.

Including also all of the south one-half of above mentioned Hatch Road immediately adjacent to the above described property.

SECTION 3. ZONING MAP. Section 7-4-9 of the Zoning

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

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least two (2) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 1981, 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, Patterson, 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:

APPROVED AS TO DESCRIPTION:

By

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

By

Michael C. Herrero
Department of Planning and
Community Development

Ordinance 2027 C.S.

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

Ord. No. 2027-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of April, 1981, 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, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED


MAYOR PEGGY MENSINGER

ATTEST: 
NORRINE COYNE, City Clerk

EFFECTIVE DATE: May 7, 1981

AN ORDINANCE AMENDING SECTIONS 10-2.3507 AND 10-2.3510 OF ARTICLE 35 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 10-2.3507 and 10-2.3510 of Article 35 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.3507. NONCONFORMING SIGNS: DEFINITIONS: REMOVAL, ALTERATION OR REPLACEMENT.

(a) For the purpose of this article, a "nonconforming sign" is either:

(1) A sign which does not conform with the provisions of this article, but which:

(aa) Was lawfully in existence and in use within the City on March 1, 1977, including signs erected pursuant to use permits and to variances granted by the City prior to March 1, 1977;

(ab) Was lawfully in existence and in use on property outside of the City on the date upon which the annexation of such property to the City was completed, including signs erected pursuant to use permits and variances granted by the County of Stanislaus;

(ac) Was lawfully in existence and in use within the City on the effective date of an amendment of the zoning map of the City of Modesto for the property on which the sign is located; or

(ad) Was lawfully in existence and in use within the City on the effective date of any future amendment of this article, which amendment makes such signs nonconforming.

(2) A sign which did not conform on February 28, 1977, with the provisions of Chapter 6 of Title IX of the Modesto Municipal Code as said chapter was in effect on February 28, 1977.

(b) A nonconforming sign shall not be replaced, altered, reconstructed, relocated or expanded in any manner unless it is made to conform with all the provisions of this article. However, other nonconforming signs on the same property need not be made to conform as a result.

(1) Change in copy shall be permitted if no structural changes in the sign are necessary except that no change in copy shall be permitted for nonconforming painted wall signs.

(2) Ordinary maintenance and minor repairs which will not increase the normal life of the sign and which are required for safety purposes shall be permitted. Structural alterations to a nonconforming sign are prohibited.

(3) If the use identified by a nonconforming sign is discontinued, the sign shall be removed within thirty (30) days unless within that period of time it is made to conform to the provisions of this article. If such sign is not made to conform, it shall thereafter be unlawful. "Discontinue" in this subsection shall mean cessation of operation or change of use. "Discontinue" shall not mean an ownership change or a name change as long as there is no cessation of operation and the use is not changed.

(c) Each nonconforming sign shall be removed or made to conform to the provisions of this article at the sole cost of the owner thereof, not later than the expiration of the period of time applicable to a particular sign as set forth in this article or as set forth in the following table, whichever is the shorter period of time:

Description of Sign

Abatement Schedule

(1) Temporary signs other than those listed in paragraph (2) below:

(aa) In the City.

By April 1, 1977.

(ab) Annexed to the City.

Three (3) calendar months from date of annexation to the City of Modesto.

(2) Paper signs tacked to side of a building or bulletin board:

(aa) In the City.

By June 1, 1977.

(ab) Annexed to the City.

Three (3) calendar months from the date of annexation to the City of Modesto.

Description of Sign

Abatement Schedule

(3) Rotating, moving, flashing, changing or blinking portions of signs:

(aa) Separate time and temperature signs.

Excepted, no abatement necessary if sign otherwise conforms.

(ab) Conventional clock.

Excepted, no abatement necessary if sign otherwise conforms.

(ac) Rotating signs, the stopping of the rotating portion of which would substantially destroy the utility of the sign:

(i) In the City.

By January 1, 1982.

(ii) Annexed to the City.

By January 1, 1982, or three (3) years from annexation to the City of Modesto, whichever is the longer period of time.

(ad) All others:

(i) In the City.

By June 1, 1977.

(ii) Annexed to the City.

Three (3) calendar months from date of annexation to the City of Modesto.

(4) All other signs which did not conform on February 28, 1977, with the provisions of Chapter 6 of Title IX of the Modesto Municipal Code as said chapter was in effect on February 28, 1977:

(aa) In the City.

By January 1, 1982.

(ab) Annexed to the City.

By January 1, 1982, or three (3) years from date of annexation to the City of Modesto, whichever is the longer period of time.

(5) All other signs which do not conform with the provisions of this article:

(aa) Nonconforming as a result of City-initiated rezoning of property within the City.

Ten (10) years from the effective date of the City-initiated rezoning.

(ab) Other signs in the City.

By January 1, 1987.

(ac) Annexed to the City.

By January 1, 1987, or three (3) years from date of annexation to the City of Modesto, whichever is the longer period of time.

(6) Variance provision for signs made nonconforming by annexations.

The Board of Zoning Adjustment may by a variance grant up to seven (7) years additional time, to the three (3) years allowed from the date such a sign is made nonconforming by annexation.

(7) Motor fuel price signs per Section 10-2.3510(a)(15).

By March 1, 1985. For motor fuel signs erected prior to March 1, 1981, not meeting specifications set forth in Section 10-2.3510(a)(15), March 1, 1982.

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

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

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

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

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

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

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

(2) One freestanding identification sign for a shopping center, as herein defined, for each street upon which the shopping center fronts subject to the following provisions:

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

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

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

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

(ae) A shopping center, eligible for a freestanding identification sign, is usually characterized by a cluster of retail uses:

(i) At one location held out to the public as a distinct shopping area and having a minimum of five (5) retail uses on the same or adjacent sites.

(ii) On one or more parcels not normally traversed by any public streets.

(iii) With membership in a merchants association comprising the cluster.

(iv) That employ a common advertising program for such a center.

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

(aa) Said use permit shall be dependent upon the following two (2) findings being shown:

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

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

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

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

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

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

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

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

(ii) For each other frontage of the building:

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

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

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

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

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

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

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

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

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

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

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

(9) Political signs may be erected, maintained, and displayed as follows:

(aa) Each such sign shall not exceed sixty-four (64) square feet in area.

(ab) The overall height of each such sign shall not exceed ten (10') feet.

(ac) The combined area of all such signs shall not exceed one hundred and fifty (150) square feet.

(ad) Such signs shall be erected no more than sixty (60) days prior to the date of the election, and shall be removed within ten (10) days after the election.

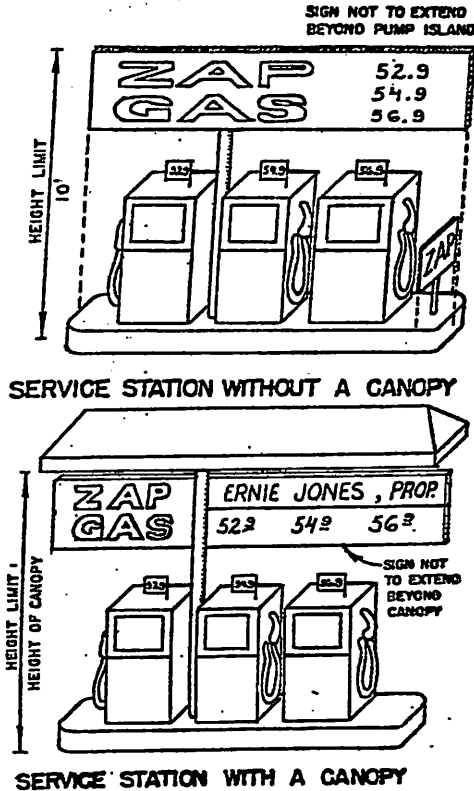
(10) Temporary signs are not permitted.

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

(12) Window signs are permitted.

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

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



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

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

(ab) Maximum area shall be twenty-five (25) square feet for the self-service sign, twenty-five (25) square feet for the full-service sign; both can be combined as one (1) sign.

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

(16) One (1) corporate flag per use or occupancy, not exceeding twenty-four (24) square feet in area, dimensions relative to each other shall not exceed a ratio of 2:1. Such flags shall be flown only from a flagstaff or flagpole.

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

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

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

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

(aa) Said use permit shall be dependent upon the following two (2) findings being shown.

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. 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 two (2) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 1981, by Councilmember Bright, 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, Patterson, 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. 2028-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of April, 1981, 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, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 7, 1981

ORDINANCE NO. 2029 -C.S.

AN ORDINANCE AMENDING SECTION MAP 28-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (TIERRA SIERRA, INC.)

WHEREAS, a verified application for an amendment to Section 28-3-9 of the Zoning Map was filed by Tierra Sierra, Inc.,

on January 21, 1981, to reclassify from a portion of Planned Development Zone, P-D(119), to Neighborhood Commercial Zone, C-1, the hereinafter described property, and

WHEREAS, after public hearing held on March 2, 1981, 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. 81-68, adopted on March 2, 1981, the Planning Commission recommended to the Council that the application of Tierra Sierra, Inc.

to amend Section 28-3-9 of the Zoning Map to reclassify the hereinafter described property from a portion of Planned Development Zone, P-D(119), to Neighborhood Commercial Zone, C-1, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on March 24, 19⁸¹, 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 requested change to C-1 would in effect be a reversion back to the original zoning.
2. The requested C-1 zoning will allow a business office which will be compatible with surrounding existing and potential development.

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 two (2) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 1987, 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, Muratore, Patterson, Siefkin,
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Erwin L. Johnson
ERWIN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William Smith
Department of Planning and
Community Development

Ordinance 2029 C.S.

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

Ord. No. 2029-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of April, 1981, 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, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 7, 1981

ORDINANCE NO. 2030 -C. S.

AN ORDINANCE AMENDING SECTION 5-5.36 Chapter 5 of Title V OF THE MODESTO MUNICIPAL CODE RELATING TO GARBAGE.

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

SECTION 1. AMENDMENT OF CODE. Section 5-5.36 of Chapter 5 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-5.36. METHOD OF COLLECTION OF GARBAGE CHARGES BY CITY. If a license granted by the Council pursuant to the provisions of this chapter or an agreement entered into between the City and a licensee specifies that any or all of the charges for garbage service shall be billed and collected by the City, then the following provisions shall be applicable to and determine the method of collection of such garbage charges by the City of Modesto.

(a) The charge for garbage service shall be added to the charges for water service and/or sewer service and payment of the total amount must be made in accordance with Section 11-1.14 of this Code regulating the payment of water service charges, and Section 5-6.11 of this Code regulating the payment of sewer service charges.

(b) Delinquent payment of charges for garbage service shall be treated in the same manner as delinquency for payment of water service charges and/or sewer service charges, as specified in Sections 11-1.14 and 5-6.11 of this Code. Discounts for advance payment of garbage charges shall be made in the same manner as discounts for advance payments of water service payments of water service charges and/or sewer service charges in accordance with Sections 11-1.14 and 5-6.11 of this Code.

(c) All charges for garbage collection shall be billed to the following persons:

(1) In the case of any person whose premises are connected with the municipal water system, then to the person who requested such connection to the municipal water system or his successor in interest, or to any person requesting that such bill will be charged to him.

(2) In the case of any person whose premises are not connected to the municipal water system, then to the person who requested the connection to the sewage system or his successor in interest, or if no such request was made, then to the owner of record of such premises on the date on which such premises are required hereby to commence garbage collection services, or to the successors in interest to such person, or to any person requesting that such bill be charged to him.

(d) Each charge for garbage collection service levied pursuant to this section on any premises within the City of Modesto is hereby made a lien upon such premises, and any steps authorized by law may be taken by the City to enforce payment of such lien.

(e) In each case where a bill for garbage collection service shall become delinquent, the Director of Finance shall cause the premises to be disconnected from the municipal water and/or sewage system. Whenever premises have been disconnected from either or both the municipal water system and the municipal sewage system for the nonpayment of garbage collection charges, such premises shall not be reconnected to either the municipal water system or the municipal sewage system until all delinquent fees, charges, and rates have been paid, together with such reasonable charges for reconnection as may be established from time to time by resolution adopted by the City Council.

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 two (2) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 1981, 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, Patterson,
Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

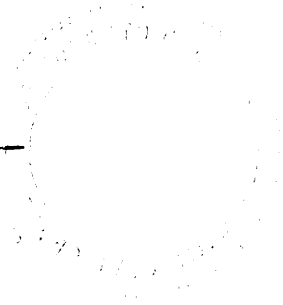
ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



Ord. No. 2030-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of April, 1981, 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, Lang, Muratore, Patterson, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED


MAYOR PEGGY MENSINGER

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 7, 1981