

ORDINANCE NO. 2350 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1566-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. (ST. PAUL'S EPISCOPAL CHURCH)", AS PREVIOUSLY AMENDED BY ORDINANCE NO. 1839-C.S.

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1566-C.S. Section 2 of Ordinance No. 1566-C.S., as previously amended by Ordinance No. 1839-C.S., is hereby further amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(147) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. A church facility.
2. Utilization of church facilities for a maximum 95 child day care nursery.
3. Utilization of church facilities for a private K-6 elementary school.
4. A book store.

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

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published

once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1985, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None.

ABSENT: Councilmembers: None.

APPROVED:


PEGGY MENSINGER, Mayor

ATTEST:

By


NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By


ELWYN L. JOHNSON, City Attorney

Ord. No. 2350-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of July, 1985, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Horrine Coyle*
HORRINE COYLE, City Clerk

EFFECTIVE DATE: August 15, 1985

ORDINANCE NO. 2351 -C.S.

AN ORDINANCE AMENDING SECTION MAP 28-3-9 OF THE ZONING MAP TO REPEAL P-D(246) AND REZONE TO C-1, PROPERTY LOCATED AT 512-516 14TH STREET ON THE NORTHEAST SIDE OF 14TH STREET BETWEEN E AND F STREETS. (FLEETA RAINES)

WHEREAS, the City Council, by Ordinance No. 1890-C.S., which was adopted on October 23, 1979, and which became effective on December 6, 1979, amended Section Map 28-3-9 of the Zoning Map to rezone to Planned Development Zone, P-D(246), for a combination retail-office building with second-story apartments, property located at 512-516 14th Street on the northeast side of 14th Street between E and F Streets, and

WHEREAS, the Council, by Resolution No. 79-1121, adopted on October 23, 1979, approved the development schedule for P-D(246) which specified that the entire construction program be accomplished in one phase, with construction to begin on or before January 1, 1981, and completion to be not later than January 1, 1982, and

WHEREAS, Planning Commission Resolution 81-142 which modified P-D(246) and extended the development schedule calls for one phase construction to start on or before January 1, 1983, and completion by January 1, 1984, and

WHEREAS, P-D(246) has expired as of January 1, 1983, and the Planning Commission on May 20, 1985, by Resolution 85-104 initiated proceedings to repeal P-D(246) and rezone the property to C-1, and

WHEREAS, a public hearing was held by the Planning Commission at its regular meeting on June 3, 1985, in the City Council Chambers, City Hall, 801

11th Street, Modesto, at which hearing evidence both oral and documentary was received and considered, and thereafter the Planning Commission, by Resolution 85-119 found and determined that the repeal of Planned Development Zone, P-D(246), and rezoning the property back to Neighborhood Commercial Zone, C-1, is required by public necessity, convenience and general welfare for the following reasons:

1. P-D(246) did not develop within the extended time limits of the revised development schedule.
2. Section 10-2.2709(c) of the Municipal Code calls for repeal or modification of expired P-D zones.
3. The applicant has expressed difficulty in packaging the residential-commercial combination.

and

WHEREAS, by Resolution No. 85-119, adopted June 3, 1985, the Planning Commission recommended to the Council that Section Map 28-3-9 of the Zoning Map be amended to repeal P-D(246) and rezone the property hereinafter described to Neighborhood Commercial Zone, C-1, and

WHEREAS, said matter was set for public hearing before the Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, in the City of Modesto, at 7:30 p.m. on July 9, 1985, at which time evidence, both oral and documentary, was taken and introduced,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended rezoning of Planned Development

Zone, P-D(246), to Neighborhood Commercial Zone, C-1, is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 85-119, and quoted above.

SECTION 2. ZONING CHANGE. Section 28-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(246), to Neighborhood Commercial Zone, C-1:

P-D(246) to C-1

All that portion of the Southwest one-quarter of Section 28, Township 3 South, Range 9 East, M.D.B. & M., described as follows:

All of Lots 21, 22, 23 and 24 of Block 116 in the City of Modesto and filed in Volume 15 of Maps in the Stanislaus County Records, and also the Northeasterly 40 feet of 14th Street and the Southwesterly 10 feet of the alley immediately adjacent to said Lots 21, 22, 23 and 24.

and

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

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

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

setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1985, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None.

ABSENT: Councilmembers: None.

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *William Brinda*
Department of Planning and
Community Development

Ordinance 2351 C.S.
Exhibit A – Map

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

Ord. No. 2351-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of July, 1985, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 15, 1985

ORDINANCE NO. 2352 -C.S.

AN ORDINANCE AMENDING SECTION MAP 17-3-9 OF THE ZONING MAP TO REPEAL P-D(250) AND REZONE TO R-1, PROPERTY LOCATED ON THE EAST SIDE OF SHERWOOD AVENUE SOUTH OF BOWEN AVENUE.
(COMMISSION INITIATED)

WHEREAS, the City Council, by Ordinance No. 1903-C.S., which became effective on February 1, 1980, amended Section Map 17-3-9 of the Zoning Map to rezone to Planned Development Zone, P-D(250), for a 9-unit two-story condominium project, property located on the east side of Sherwood Avenue south of Bowen Avenue, and

WHEREAS, the Council, by Resolution No. 79-1294, adopted on December 18, 1979 approved the development schedule for P-D(250) which specified that the entire construction program be accomplished in one phase, with construction to begin on or before April 1, 1981, and completion to be not later than January 1, 1982, and

WHEREAS, Planning Commission Resolution 81-228 which modified P-D(250) and approved a revised schedule calls for one-phase construction to start on or before October 1, 1983, and completion to be by October 1, 1984, and

WHEREAS, P-D(250) has expired as of October 1, 1983, and the Planning Commission on May 20, 1985, by Resolution 85-105 initiated proceedings to repeal P-D(250) and rezone the property to R-1, and

WHEREAS, a public hearing was held by the Planning Commission at its regular meeting on June 3, 1985, in the City Council Chambers, City Hall, 801 11th Street, Modesto, at which hearing evidence both oral and documentary was

received and considered, and thereafter the Planning Commission, by Resolution 85-117 found and determined that the repeal of Planned Development Zone, P-D(250), and rezoning the property back to Low Density Residential Zone, R-1, is required by public necessity, convenience and general welfare for the following reasons:

1. P-D(250) did not develop within the extended time limits of the revised development schedule.
2. Section 10-2.2709(c) of the Municipal Code calls for repeal or modification of expired P-D zones.

and

WHEREAS, by Resolution No. 85-117, adopted June 3, 1985, the Planning Commission recommended to the Council that Section Map 17-3-9 of the Zoning Map be amended to repeal P-D(250) and rezone the property hereinafter described to Low Density Residential Zone, R-1, and

WHEREAS, said matter was set for public hearing before the Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, in the City of Modesto, at 7:30 p.m. on July 9, 1985, at which time evidence, both oral and documentary, was taken and introduced,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended rezoning of Planned Development Zone, P-D(250), to Low Density Residential Zone, R-1, is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 85-117, and quoted above.

SECTION 2. ZONING CHANGE. Section 17-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(250), to Low Density Residential Zone, R-1:

P-D(250) to R-1

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

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

and

SECTION 3. ZONING MAP. Section 17-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1985, by Councilmember Bright, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None.

ABSENT: Councilmembers: None.

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Smith
Department of Planning and
Community Development

Ordinance 2352 C.S.
Exhibit A – Map

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

Ord. No. 2352-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of July, 1985, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: Morrine Coyle
MORRINE COYLE, City Clerk

EFFECTIVE DATE: August 15, 1985

ORDINANCE NO. 2353 -C.S.

AN ORDINANCE AMENDING SECTION MAP 16-3-9 OF THE ZONING MAP TO REPEAL P-D(171) AND REZONE TO R-1, PROPERTY LOCATED ON THE SOUTH SIDE OF NORWEGIAN AVENUE EAST OF SUNRISE AVENUE. (COMMISSION INITIATED)

WHEREAS, the City Council, by Ordinance No. 1652-C.S., which became effective on November 9, 1977, amended Section Map 16-3-9 of the Zoning Map to rezone to Planned Development Zone, P-D(171), for a 150-unit elderly housing project, property located on the south side of Norwegian Avenue east of Sunrise Avenue, and

WHEREAS, the Council, by Resolution No. 77-1020, adopted on October 3, 1977 approved the development schedule for P-D(171) which specified that the entire construction program be accomplished in one phase, with construction to begin on or before September 1, 1978, and completion to be not later than September 1, 1979, and

WHEREAS, Planning Commission Resolution 81-156 which modified P-D(171) and extended the development schedule calls for two-phase development, construction of Phase I to start on or before September 1, 1983, and completion to be by September 1, 1984, and

WHEREAS, P-D(171) has expired as of September 1, 1983, and the Planning Commission on May 20, 1985, by Resolution 85-103 initiated proceedings to repeal P-D(171) and rezone the property to R-1, and

WHEREAS, a public hearing was held by the Planning Commission at its regular meeting on June 3, 1985, in the City Council Chambers, City Hall, 801 11th Street, Modesto, at which hearing evidence both oral and documentary was

received and considered, and thereafter the Planning Commission, by Resolution 85-118 found and determined that the repeal of Planned Development Zone, P-D(171), and rezoning the property back to Low Density Residential Zone, R-1, is required by public necessity, convenience and general welfare for the following reasons:

1. P-D(171) did not develop within the extended time limits of the revised development schedule.
2. Section 10-2.2709(c) of the Municipal Code calls for repeal or modification of expired P-D zones.

and

WHEREAS, by Resolution No. 85-118, adopted June 3, 1985, the Planning Commission recommended to the Council that Section Map 16-3-9 of the Zoning Map be amended to repeal P-D(171) and rezone the property hereinafter described to Low Density Residential Zone, R-1, and

WHEREAS, said matter was set for public hearing before the Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, in the City of Modesto, at 7:30 p.m. on July 9, 1985, at which time evidence, both oral and documentary, was taken and introduced,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended rezoning of Planned Development Zone, P-D(171), to Low Density Residential Zone, R-1, is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 85-118, and quoted above.

SECTION 2. ZONING CHANGE. Section 16-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(171), to Low Density Residential Zone, R-1:

P-D(171) to R-1

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

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

Including also all of the southern 20.00 feet of Norwegian Avenue located between the centerline of Norwegian Avenue and the above described property.

and

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

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

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

setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1985, 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, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger.

NOES: Councilmembers: None.

ABSENT: Councilmembers: None.

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Proch
Department of Planning and
Community Development

Ordinance 2353 C.S.
Exhibit A – Map

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of July, 1985, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 15, 1985

AN ORDINANCE ADDING ARTICLE 7 TO CHAPTER 1 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO STREET DEDICATION AND IMPROVEMENT.

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

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

ARTICLE 7 - STREET DEDICATION AND IMPROVEMENT.

SEC. 7-1.701. STREET DEDICATION AND IMPROVEMENT.

- (a) Except as provided in subsection (b) below, no building or structure shall be constructed or enlarged, and no building permit for such shall be issued, until sufficient right-of-way as determined by the Director of Engineering Services for the street(s) abutting the property has been dedicated and improved or the dedication and improvement has been insured to the satisfaction of the Director of Engineering Services.
- (b) The dedication and/or improvement required by subsection (a) above shall be limited as follows:
 - (1) The maximum area required to be dedicated shall not exceed twenty-five (25) percent of the lot area.
 - (2) No dedication shall be required of a portion of a lot containing a main building.
 - (3) No additional improvements shall be required if complete roadway, curb, gutter, sidewalk and street lights exist within the existing right-of-way.
 - (4) For minor expansions or reconstruction in any twenty-four (24) month period which cumulatively add less than twenty-five (25) percent additional floor space, no additional dedication or improvement shall be required.

- (5) If the person required to make a dedication or improvement pursuant to subsection (a) can prove to the satisfaction of the Director of Engineering Services that the application of subsection (a) would result in a severe hardship and the failure to obtain dedication and/or improvement would not be detrimental to the public health, safety or welfare, the Director of Engineering Services may grant a waiver to either the dedication and/or improvement requirements. The waiver may be conditioned to require dedication and/or improvement at a later date.

(c) Dedication Procedure.

- (1) Any person required to dedicate land by the provisions of this section shall make an offer to dedicate in writing properly executed by all parties of interest. Such offer shall be on a form approved by the City Attorney, be in such terms as to be binding on the owner, his heirs, assigns or successors in interest; and shall continue until the City accepts or rejects such offer or until one year from the date such offer is filed with the Director of Engineering Services for processing, whichever occurs first. The offer shall provide that the dedication will be complete upon acceptance by the City. The offer shall be recorded by the City Clerk in the Office of the County Recorder of Stanislaus County upon its acceptance by the City Attorney and City Manager. The offer shall be promptly processed by the City Departments concerned, in order to complete the dedication within one year. If the offer is rejected by the City or not processed within one year, the City Clerk shall issue a release from such offer which shall be recorded in the Office of the County Recorder unless the parties making the offer wish to have the time extended.
- (2) For purposes of this section, dedication shall be considered as satisfactorily assured when the City Attorney and City Manager accept for recordation the offer to dedicate.

(d) Improvement Procedure.

- (1) Any person required to make improvements by the provisions of this section shall complete them to the satisfaction of the Director of

Engineering Services or shall prior to issuance of the building permit, file a bond with the City in such an amount as the Director of Engineering Services shall estimate and determine to be necessary to complete all of the improvements required before the issuance of a certificate of occupancy by the Chief Building Official.

- (2) Such bond may be either a cash bond, savings and loan certificate or a bond executed by a company authorized to act as a surety in this State. The bond shall be payable to the City and be conditioned upon the faithful performance of any and all work required to be done, and that should such work not be done or completed within the time specified, the City may at its option, cause the same to be done or completed, and the parties executing the bond shall be firmly bound under a continuing obligation for the payment of all necessary costs and expenses incurred in the construction thereof. The bond shall be executed by the owner of the lot as principal, and if a surety bond, shall also be executed by a corporation authorized to act as a surety under the laws of the State.
- (3) Whenever the owner elects to deposit a cash bond, or savings and loan certificate, the City is authorized, in the event of any default on the owner's part, to use any or all of the deposit money to cause all of the required work to be done or completed, and for payment of all costs and expenses therefor. Any money remaining shall be refunded to the owner.
- (4) When a substantial portion of the required improvement has been completed to the satisfaction of the Director of Engineering Services and the completion of the remaining improvements is delayed due to conditions beyond the owner's control, the Director of Engineering Services may accept the completed portion and consent to a proportionate reduction of the surety bond in an amount estimated and determined by the Director of Engineering Services to be adequate to assure the completion of the required improvements remaining to be made.
- (5) Whenever a surety bond has been filed in compliance with this section, the City is authorized, in the event of any default on the

part of the principal, to enforce collection, under such bond, for any and all damages sustained by the City by reason of any failure on the part of the principal faithfully and properly to do or complete the required improvements, and in addition may cause all of the required work to be done or completed, and the surety upon the bond shall be firmly bound for the payment of all necessary costs.

(6) The term of the bond shall begin on the date of the deposit of the cash or savings and loan certificate or the filing of the surety bond, and shall end upon the date of the completion to the satisfaction of the Director of Engineering Services of all improvements required to be made. The fact of such completion shall be endorsed by a statement thereof signed by the Director of Engineering Services and the deposit shall be returned to the owner, or the surety bond may be exonerated at any time thereafter.

(7) For the purposes of this section, improvement shall be considered as satisfactorily assured when the City accepts the cash or surety bond or the improvements required to be made have been completed to the satisfaction of the Director of Engineering Services.

(e) Issuance of Building Permits After Certification of Dedication and Improvement.

When all dedication and improvements required by this section have been completed or satisfactorily assured, a building permit may be issued.

(f) Fees Waived.

Notwithstanding any other provisions of this Code to the contrary, no fee shall be charged for the rendering of any service by the City in connection with any dedication or improvement required by the provisions of this section and not a part of a subdivision or parcel map proceeding.

(g) Lots Affected by Street Widening.

On a lot which is affected by street widening required by the provisions of this section, all required yards, setbacks, parking area, loading space and building locations for new buildings or structures or additions to buildings or structures shall be measured and calculated from the new lot

lines being created by said widenings; provided, however, that for the purpose of establishing the required front yard depth on a frontage where the ultimate street line has been determined under the provisions of this section, the depths of all existing front yards may be measured from the ultimate street line instead of the front lot line.

In applying all other provisions of this chapter, the area of the lot shall be considered as that which existed immediately prior to the required street widening.

(h) Improvement Standards.

- (1) All State Highways, major, collector and industrial streets shall be constructed and improved in accordance with the Standard Plans and Specifications of the City.
- (2) The Director of Engineering Services may approve variations and deviations from the above requirements as he determines are made necessary by the conditions of the terrain and the existing improvements contiguous to the property.

(i) Appeal.

- (1) Any person required to dedicate land or make improvements under the provisions of this section may appeal any determination made by the Director of Engineering Services in the enforcement or administration of the provisions of this section to the Council. The appeal shall be made in writing, and shall state in clear and concise language the grounds therefor.
- (2) The Council may make modifications in the requirements of this section or may grant waivers or modifications of the determinations which are appealed to them as they shall determine are required to prevent any unreasonable hardship under the facts of each case so long as each modification or waiver is in conformity with the general spirit and intent of the requirements of this section.

(j) City May Share Cost of Making Unusual Improvements.

Under proper application to the Council and upon recommendation of the Director of Engineering Services, the City may accept and provide for contribution toward the cost of making any

improvement required by the provisions of this section which the Director of Engineering Services determines will cost any amount greatly in excess of the cost to other property owners who are required to make improvements under the provisions of this section in the immediate vicinity.

- (k) Director of Engineering Services to Determine Street Alignment.

Whenever uncertainty exists as to the proper application of the provisions of this section in the matter of street alignment, the Director of Engineering Services shall determine this application in conformity with the spirit and intent of this section.

- (l) Written Notification to Permit Applicants Required.

When the Director of Engineering Services determines that the provisions of this section are applicable to any building permit application, he shall inform the permit applicant of his determination, of the specific requirements of this section which he determines to be applicable and of the availability and procedure for appeal of his determination to the Council.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation on September 1, 1985.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1985, by Councilmember Whiteside, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None.

ABSENT: Councilmembers: None.

APPROVED: _____
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. 2354-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of July, 1985, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Morrine Coyle
MORRINE COYLE, City Clerk

EFFECTIVE DATE: August 15, 1985

AN ORDINANCE ADDING CHAPTER 1 ENTITLED "LANDSCAPING AND IRRIGATION STANDARDS" TO TITLE XII OF THE MODESTO MUNICIPAL CODE.

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

SECTION 1. AMENDMENT OF CODE. Chapter 1 entitled "Landscaping and Irrigation Standards" is hereby added to Title XII of the Modesto Municipal Code to read as follows:

CHAPTER 1 - LANDSCAPING AND IRRIGATION STANDARDS

SEC. 12-1.01. PURPOSE.

The landscaping of all areas of the community is intended to provide visual relief and delight, complement buildings and other structures, provide transitional areas between potential competing land uses, aid in reducing air pollution, and provide an attractive environment for the enjoyment of the public. Landscaping which is integrated with building design is an acceptable and desirable objective of contemporary community development.

SEC. 12-1.02. APPLICABILITY.

Whenever landscaping or a landscape plan is required by this Code or as a condition of any action authorized by this Code, the following standards of landscape and irrigation system design and landscape and irrigation plan specifications shall apply.

SEC. 12-1.03. STANDARDS OF LANDSCAPE DESIGN.

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

Prior to plan preparation, the Director of Parks and Recreation should be contacted for street tree information to insure that landscape plantings will not interfere with the City's tree planting plan. Underground Service Alert and Modesto Irrigation District should also be contacted to avoid conflicts

with existing or proposed utility lines or appurtenances.

- (b) Plant Materials. The selection of plant materials should include both evergreen and deciduous trees, shrubs, and attractive erosion preventing ground cover. It is recommended, but not required, that plant material require little supplemental water once it is established in the landscape. Attention shall be given to appearance, height, spread, growth rate, moisture requirements, potential root damage, disease and pest susceptibility, soil drainage, climatic adaptability, and degree of maintenance required.
- (c) Plant Coverage. Plants shall be so spaced and sized that, when mature, they will fill the planter area. Although a reasonable number of growing seasons will be allowed for full plant coverage to develop, interim ground cover shall be provided during this period. Interim cover of surfacing materials shall consist of rocks, gravel, mulch, chips, or any other acceptable material.
- (d) Plant Maintenance. Underground automated irrigation systems shall be provided to assure efficient water use with a minimum of labor and water waste. Plant material must be maintained in a healthy condition. Unhealthy plants shall be replaced. Planters shall be kept free of all weeds, debris and trash.
- (e) Planter Construction. All planter areas shall have a peripheral concrete or acceptable permanent border to prevent cars and pedestrians from damaging plant materials. All planters constructed adjacent to buildings or structures shall be so designed to avoid irrigation water intrusion into or on that adjacent building or structure. The minimum width of a planter bed should be forty (40) inches measured from the inside of curbing or acceptable permanent border.

SEC. 12-1.04. LANDSCAPE PLAN SPECIFICATIONS.

- (a) Four (4) copies of the landscape plan shall be submitted for review and approval by the Director of Parks and Recreation, in accordance with the standards of landscape design set forth in this chapter.
- (b) One copy of all building elevations and site grading plans or one copy of all building plans shall be submitted together with the landscape plan. The building elevation and site grading plans shall be in

sufficient detail to permit determination of the location, width, and height of all doors and windows on all proposed buildings within or adjacent to lands included in the landscape plans.

- (c) The landscape plans shall be legible and drawn to a scale no smaller than one (1) inch equals twenty (20) feet.
- (d) The landscape plans shall indicate property lines, important dimension lines, setback lines, walls and fences, driveways, adjacent streets, outline of all structures, and adjacent land uses.
- (e) The landscape plans shall indicate planting details, pre-emergent soil treatment rates and materials, and soil amendment rates.
- (f) The landscape plans shall include a plant list giving the common and botanical names of plants to be used. This plant list shall be arranged in legend form with a key number assigned to each plant. On the plan, each plant shall be identified by a key number. The size of the plant, its spacing and the quantity to be used shall follow in the legend, as the following example illustrates.

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

SEC. 12-1.05. IRRIGATION PLAN SPECIFICATIONS.

- (a) Four copies of the irrigation plans shall be submitted for review and approval by the Director of Parks and Recreation to insure adequate irrigation coverage and compliance with the requirements of the Plumbing Code of the City.
- (b) Irrigation plan shall indicate system point of connection and size, water pressure available, and maximum demand of the system in gallons per minute.
- (c) Irrigation equipment specified must be identified by manufacturer's name and equipment identification number.

- (d) Performance data for irrigation heads including discharge rates, effective diameter, and operating pressure shall be listed in irrigation legend.
- (e) All locations of irrigation valves, controllers, hose bibs, quick coupler valves, sprinkler heads, and backflow preventers must be indicated.
- (f) Irrigation details must be used to clarify particular situations. Typical details should include backflow prevention devices, valves, irrigation heads, and irrigation controllers.
- (g) All irrigation lines must be sized.
- (h) Schedule 40 P.V.C. pipe is required under all paved areas. Piping must be installed a minimum of twelve (12) inches underground for non-pressure irrigation lines and eighteen (18) inches underground for constant pressure irrigation lines.

SEC. 12-1.06. INSPECTION.

Upon installation of landscaping and irrigation systems, the installer must contact the Parks and Recreation Department and request an inspection. An inspector from the Parks and Recreation Department will inspect the installation to verify compliance with the approved landscape and irrigation plans. The landscape and irrigation installation must conform to the approved plans before a certificate of occupancy will be issued by the Chief Building Official.

SEC. 12-1.07. MAINTENANCE.

Whenever landscaping or a landscaping and irrigation plan is required by the Code, or as a condition of an action authorized by this Code, the landscaping and irrigation system shall be maintained in accordance with the approved landscape and irrigation plan.

SEC. 12-1.08. FEES.

A landscaping and irrigation plan review fee shall be paid to the Chief Building Official when the building permit is issued. The amount of the fee will be calculated by multiplying the total square footage of landscaped area times a rate determined by resolution of the Council.

Where plans are incomplete, or changed so as to require additional plan checking, an additional landscaping and irrigation plan check fee shall be charged at a rate determined by resolution of the Council.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation on September 1, 1985.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1985, by Councilmember Whiteside, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None.

ABSENT: Councilmembers: None.

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of July, 1985, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Morrine Coyle*
MORRINE COYLE, City Clerk

EFFECTIVE DATE: August 15, 1985

AN ORDINANCE AMENDING TITLE X OF THE MODESTO
MUNICIPAL CODE RELATING TO PLANNING AND ZONING.

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

SECTION 1. AMENDMENT OF CODE. Title X of the Modesto Municipal Code is hereby amended to read as follows:

TITLE X - PLANNING AND ZONING

CHAPTER 1 - PLANNING COMMISSION AND BOARD OF ZONING ADJUSTMENT

ARTICLE 1. PLANNING COMMISSION

SEC. 10-1.101. CREATION.

The Planning Commission of the City of Modesto is hereby established to consist of seven (7) members appointed in accordance with and for the terms prescribed by Section 1102 of the Charter. One member of the City Planning Commission shall also serve simultaneously as a member of the Stanislaus County Planning Commission. Said member shall be recommended by the City Council and be appointed by the Chairman of the Stanislaus County Board of Supervisors, with approval of said Board.

SEC. 10-1.102. POWERS AND DUTIES.

The Commission shall have the general powers and duties specified in Section 1107 of the Charter and shall have the power and duty to:

- (a) Perform all of the functions assigned to a City Planning Commission by the Conservation and Planning Act and other statutes of the State relating to planning and zoning, insofar as they are not inconsistent with the provisions of the Charter.
- (b) Prepare and recommend the adoption, amendment or repeal of the general plan.
- (c) Advise and recommend to the proper officials of the City the approval, disapproval or modification of all land subdivision in accordance with the Subdivision Map Act of the State of California, or as may be provided by this Code.
- (d) Hold hearings on planning and zoning matters as prescribed by this Code, or State law; except that the provisions of Chapter 4 of the State Planning Law, Government Code Section 65800, and following, are not adopted unless specifically stated.
- (e) Review and recommend to the Council a capital improvements program budget.

SEC. 10-2.2802. FILING AN APPEAL.

A written appeal shall be filed with the Secretary within thirty (30) days of the date of the decision. Filing of an appeal within this period shall stay the effective date of the decision until the Board has acted on the appeal. The written appeal shall clearly state the decision excepted to and the grounds for the appeal.

SEC. 10-2.2803. PROCEDURE.

- (a) Upon the filing of an appeal in the proper form and with a fee as established by the Council, the Secretary shall set the matter for consideration by the Board at its next meeting. Written notice of the date and time of consideration shall be given to the appellant and any other persons requesting notice not less than ten (10) days prior to Board consideration.
- (b) No more than twenty (20) days after the closing of consideration, the Board shall announce its findings and decision by resolution. Its decision shall be final unless an appeal to the Council is filed in accordance with Sec. 1-4.01 et seq. of the Municipal Code.
- (c) Written notice shall be considered as having been given whenever it has either been personally delivered or deposited in the United States mail, postage prepaid, and addressed to the person entitled to receive the notice.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation on September 1, 1985.

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

(f) Advise and recommend to the Council on matters required by law or referred by the Council.

SEC. 10-1.103. PROCEDURES.

The Commission shall elect a Chairman and Vice-Chairman from its membership in accordance with Section 1104 of the Charter. In the absence or disability of either the Chairman or Vice-Chairman, the Commission may designate a Chairman Pro Tempore. The Commission shall hold at least one (1) regular meeting each month. The Commission shall adopt rules for the transaction of its business and shall keep a written record of its resolutions, transactions, findings and determinations.

SEC. 10-1.104. STAFF.

The Planning and Community Development Department shall provide staff assistance to the Commission. The Director of Planning and Community Development or the Director's designee shall serve as Secretary to the Commission.

SEC. 10-1.105. APPEAL OF ACTIONS.

All final actions by the Commission may be appealed to the Council.

ARTICLE 2. BOARD OF ZONING ADJUSTMENT

SEC. 10-1.201. CREATION.

The Board of Zoning Adjustment of the City of Modesto is hereby created to consist of five (5) members appointed in accordance with and for the terms prescribed by Section 1102 of the Charter. One (1) member shall be appointed from members of the Commission.

SEC. 10-1.202. POWERS AND DUTIES.

The Board shall have the following powers and duties:

- (a) To grant variances and conditional use permits and to approve plot plans.
- (b) To hear and determine appeals from the decisions of any administrative officer of the City which involves the application of any of the provisions of this Title.
- (c) To advise and recommend to the Council on matters required by law or referred by the Council.

SEC. 10-1.203. PROCEDURES.

The Board shall elect a Chairman and Vice-Chairman from its membership in accordance with Section 1104 of the Charter. In the absence or disability of either the Chairman or Vice-Chairman, the Board may designate a Chairman Pro Tempore. The Board shall hold at least one (1) regular meeting in each

month. The Board shall adopt rules for the transaction of its business and shall keep a written record of its resolutions, transactions, findings and determinations.

SEC. 10-1.204. STAFF.

The Planning and Community Development Department shall provide staff assistance to the Board. The Director of Planning and Community Development or the Director's designee shall serve as Secretary to the Board.

SEC. 10-1.205. APPEAL OF ACTIONS.

All final actions by the Board may be appealed to the Council.

CHAPTER 2 - ZONING REGULATIONS

ARTICLE 1. PURPOSE

SEC. 10-2.101. NAME OF CHAPTER.

This Chapter shall be known as "Zoning Regulations."

SEC. 10-2.102. PURPOSE AND INTENT.

Zoning regulations are established to serve the public health, safety and general welfare and to provide the physical, economic and social advantages resulting from an orderly, planned use of land resources.

SEC. 10-2.103. INTERPRETATION.

In interpreting and applying the provisions of this Chapter they shall be held to be the minimum requirement for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended that these regulations interfere with or abrogate or annul any easement, covenant or other agreement between parties. When this Chapter imposes a greater restriction upon the use of buildings or land than are imposed or required by other ordinances, rules, regulations or by easements, covenants, or agreements, the provisions of this Chapter shall control.

ARTICLE 2. DEFINITIONS

SEC. 10-2.201. DEFINITIONS.

The words and phrases used in this Chapter shall have the meanings respectively ascribed to them in this Article unless otherwise apparent from the context. Words not listed in this Article shall be interpreted as defined in a dictionary or other standard reference manual.

SEC. 10-2.202. ACCESSORY.

A building, structure or use which is subordinate to, and the use of which is incidental to that of the main building, structure or use on the same lot.

SEC. 10-2.203. ALLEY.

A public thoroughfare for the use of pedestrians and vehicles which serves or is designed to serve as the secondary means of access to abutting property.

SEC. 10-2.204. AMUSEMENT MACHINE CENTER.

A business which has nine (9) or more amusement machines as defined in Sections 4-1.103 and 4-1.104 of the Municipal Code.

SEC. 10-2.205. BED AND BREAKFAST HOME.

A single family dwelling in which overnight lodging and breakfast are provided for a fee.

SEC. 10-2.206. BOARD.

The Board of Zoning Adjustment of the City of Modesto.

SEC. 10-2.207. BOARDING.

The provision of meals for compensation on not less than a weekly basis.

SEC. 10-2.208. BUILDING.

A structure used or intended to be used for supporting or sheltering any use or occupancy.

SEC. 10-2.209. BUILDING, MAIN.

The principal building on a lot designed or used to accommodate the primary use to which the premises are devoted; where a permissible use involves more than one building designed or used for the primary purpose, each building on the lot shall be a main building.

SEC. 10-2.210. CAMPER.

A structure used as temporary housing which may contain cooking facilities, is designed for transport by a pickup truck, and has no wheels or foundation.

SEC. 10-2.211. CITY.

The City of Modesto.

SEC. 10-2.212. COMMISSION.

The Planning Commission of the City of Modesto.

SEC. 10-2.213. CONSTRUCTION, COMPLETION OF.

Construction shall be complete when the final required building inspection has been completed and approved by the Chief Building Official.

SEC. 10-2.214. CONSTRUCTION, START OF.

Construction shall be started when all of the following have been completed by the developer:

- (a) Filing of full sets of building plans with the Chief Building Official and issuance of a building permit including electrical, plumbing, and mechanical permits.
- (b) Performance of all conditions of approval specifying "prior to the issuance of a building permit" as found in any applicable resolutions adopted by the Council, Commission, or Board.
- (c) Payment of all required fees, including building permit fees, and the posting and acceptance of all public improvement securities, if applicable.
- (d) Compliance with any environmental review procedures of the City.

SEC. 10-2.215. DEPARTMENT.

The Planning and Community Development Department of the City of Modesto.

SEC. 10-2.216. DIRECTOR.

The Director of Planning and Community Development of the City of Modesto.

SEC. 10-2.217. DWELLING, MULTIPLE FAMILY.

A building designed for and/or occupied by two (2) or more families.

SEC. 10-2.218. DWELLING, SINGLE FAMILY.

A detached building designed for and/or occupied by one (1) family.

SEC. 10-2.219. FAMILY.

An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than five (5) persons, who are not related by blood, marriage, or adoption, excluding servants, living together as a single household unit in a dwelling unit.

SEC. 10-2.220. GARAGE SALE.

The retail sale of used or secondhand merchandise at dwellings and on residentially zoned property, also commonly known as patio sales or yard sales, etc.

SEC. 10-2.221. GRADE.

The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

SEC. 10-2.222. HEIGHT.

The vertical distance above grade to the highest point of the structure.

SEC. 10-2.223. HOUSEHOLD PETS.

Animals or fowl ordinarily kept in a house for company or pleasure and not for profit.

SEC. 10-2.224. KENNEL.

A place where three (3) or more dogs of five (5) months of age or four (4) or more cats of four (4) months of age or older are kept.

SEC. 10-2.225. KITCHEN.

Any room and/or other space used or intended or designed to be used for cooking or for preparation of food for one family.

SEC. 10-2.226. LODGING.

The provision of sleeping accommodations for compensation on not less than a weekly basis.

SEC. 10-2.227. LOT.

Land occupied, or to be occupied by a building or use.

SEC. 10-2.228. LOT AREA.

The total horizontal area within the boundaries of a lot.

SEC. 10-2.229. LOT, CORNER.

A lot situated at the intersection or interception of two (2) or more streets, which streets have an angle of intersection or interception of not more than one hundred thirty-five (135) degrees.

SEC. 10-2.230. LOT, INTERIOR.

A lot other than a corner lot.

SEC. 10-2.231. LOT LINE, FRONT.

For an interior lot, a line separating the lot from the street. For a corner lot, the front lot line shall be the line separating the narrowest street frontage of the lot from the street.

SEC. 10-2.232. LOT LINE, REAR.

A lot line which is opposite and most distant from the front lot line. Any lot line which has an angle of more than forty-five (45) degrees from a side lot line in the rear one-third (1/3) of the lot shall be considered a rear lot line.

SEC. 10-2.233. LOTLINE, SIDE.

A lot line along the boundary of a lot between the front and rear lot lines.

SEC. 10-2.234. LOT WIDTH.

The horizontal distance between the side lot lines measured at the front yard setback line.

SEC. 10-2.235. MOTOR HOME.

A self-propelled motor vehicle which is designed for human habitation and which may contain plumbing, heating or electrical equipment.

SEC. 10-2.236. NONCONFORMING USE.

A use which was lawfully established and maintained but which, because of the application of this Chapter, no longer conforms to the use regulations of the zone in which it is located.

SEC. 10-2.237. PET STORE.

A shop for the sale of small animals and other household pets which may include services such as grooming, but excludes exterior runs or other outdoor uses.

SEC. 10-2.238. PREZONED LAND.

Land outside the City with a City zoning classification.

SEC. 10-2.239. PROPRIETOR.

An owner, lessee, or occupant who has legal control or responsibility over the entire premises.

SEC. 10-2.240. RACING HOMER PIGEON.

A pigeon trained to return home from a distance and which is identified by a nonremovable seamless leg band issued by a nationally recognized Racing Homer Association.

SEC. 10-2.241. RECREATIONAL VEHICLE.

A collective term which may refer to any or all of the following: airplane, boat, boat trailer, camper, motor home, motorcycle trailer, travel trailer and similar vehicles.

SEC. 10-2.242. SECRETARY.

The Secretary of the Planning Commission and Board of Zoning Adjustment of the City of Modesto.

SEC. 10-2.243. SETBACK LINE.

A line parallel to a lot line and at a distance therefrom equal to the required depth of the yard.

SEC. 10-2.244. SIGN.

Signs are as defined in Article 21.

SEC. 10-2.245. STORY.

A story is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement or unused under-floor space shall be considered as a story.

SEC. 10-2.246. STREET.

A thoroughfare which has been dedicated to or acquired by the public and which is the principal means of access to abutting property. Easements, walkways and alleys shall not be considered "streets" for the purpose of this Chapter.

SEC. 10-2.247. STREET, SIDE.

Street bordering a corner lot adjacent to the side lot line.

SEC. 10-2.248. STRUCTURE.

That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Walls or fences six (6) feet or less in height shall not be considered structures for the purpose of this Chapter.

SEC. 10-2.249. STRUCTURAL ALTERATION.

A change in the supporting members of a building such as the foundation, bearing walls, columns, beams, floor or roof joists, girders or rafters, or a change in roof or exterior lines.

SEC. 10-2.250. SWIMMING POOL.

A structure designed to contain water in excess of eighteen (18) inches in depth, located above or below grade or ground surface, commonly constructed of concrete, metal, wood, fiberglass, and/or plastic, and designed and used for recreation or therapy.

SEC. 10-2.251. TRUCK.

- (a) A motor vehicle, including a commercial vehicle or truck tractor as defined in the Vehicle Code of the State of California, designed or used for the transportation of persons, commodities or materials and having one or more of the following characteristics:
- (1) The vehicle exceeds a maximum gross weight of more than six thousand (6,000) pounds.
 - (2) The vehicle is rated as one and one-half (1.5) ton or greater capacity.
 - (3) The vehicle extends nine (9) feet or more to the rear of the driving compartment.
- (b) Notwithstanding the provisions of paragraph (a) herein, this definition shall not include any passenger vehicle with a capacity of fewer than ten (10) passengers.

SEC. 10-2.252. TRUCK TRAILER.

A vehicle without motive power designed to be drawn by a truck.

SEC. 10-2.253. USE.

The purpose for which either land or a structure is or may be occupied or maintained.

SEC. 10-2.254. VETERINARY HOSPITAL, SMALL ANIMAL.

A business for the care and treatment of household pets.

SEC. 10-2.255. VETERINARY HOSPITAL, LARGE ANIMAL.

A business for the care and treatment of livestock and other commercial animals.

SEC. 10-2.256. WINDMILL.

A device designed to convert wind power to another form of energy such as electricity or heat.

SEC. 10-2.257. YARD.

An open space on a lot, unoccupied and unobstructed from the ground upward, except as permitted in this Chapter.

SEC. 10-2.258. YARD, FRONT.

An area extending across the full width of the lot and lying between the front lot line and a line parallel thereto, and having a distance between such parallel lines equal to the required front yard depth as prescribed in each

zone. Depth of the front yard shall be measured by a line at right angles to the front lot line, or by the radial line in the case of a curved front lot line. When a lot lies partially within a street indicated on a precise plan the depth of the front yard shall be measured from the contiguous edge of the planned street in the manner prescribed in this definition.

SEC. 10-2.259. YARD, REAR.

An area between the rear lot line and a line parallel to the rear lot line to a depth as prescribed in the respective zones.

SEC. 10-2.260. YARD, SIDE.

An area extending from the rear line of the required front yard, or from the front lot line, where no front yard is required, to the rear lot line, and lying between the side lot line and a line parallel thereto, within the lot, and having a distance between such parallel lines equal to the side yard width as prescribed in each zone. The width of the side yard shall be measured in the same manner as the depth of the front yard. When a lot lies partially within a street indicated on a precise plan, the width of the side yard shall be measured from the contiguous edge of the planned street in the manner prescribed in this definition.

ARTICLE 3. CREATION OF ZONES, ZONE BOUNDARIES, LAND USE LIMITATIONS

SEC. 10-2.301. NAMES OF ZONES.

In order to classify, regulate, restrict and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings, and to regulate the area of yards and other open spaces about buildings, and to regulate the density of housing, the following zones are created:

Low Density Residential	R-1
Medium Density Residential	R-2
Medium-High Density Residential	R-3
Professional Office	P-0
Neighborhood Commercial	C-1
General Commercial	C-2
Highway Commercial	C-3
Commercial-Industrial	C-M
Light Industrial	M-1
Heavy Industrial	M-2
Planned Development	P-D
Airport	A-P

SEC. 10-2.302. RESTRICTIVENESS.

- (a) The order of restrictiveness for zones, from most to least restrictive is: R-1, R-2, R-3, P-0, C-1, C-2, C-3, C-M, M-1, M-2.
- (b) The restrictiveness of uses in a P-D zone shall be based on that zone which most closely resembles those uses permitted in the P-D zone.

SEC. 10-2.303. ESTABLISHMENT OF ZONES BY MAP.

The location and boundaries of the various zones are as shown on the Zoning Map of the City, copies of which are on file in the offices of the City Clerk and the Director. This map and all notations, references and other information shown on it are made a part of this Chapter by reference.

SEC. 10-2.304. DIVISION OF ZONING MAP.

The zoning map may be divided into sections which may be separately referred to when amending the zoning map or for any official reference to the zoning map.

SEC. 10-2.305. CHANGES IN BOUNDARIES.

Zone boundary changes shall be made by ordinance amending the zoning map or section of it.

SEC. 10-2.306. LOCATION OF BOUNDARIES.

Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

- (a) Where the zone boundary is indicated as being approximately upon the center line of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the map, the center line of the street, alley or block or the property line shall be construed to be the boundary of the zone.
- (b) Wherever the zone boundary is indicated as being approximately at the line of any river, irrigation canal or other waterway, railroad right-of-way, or public land or any section line, then the center of the stream, canal, or waterway, or the railroad right-of-way or the boundary line of the public land or section line shall be construed to be the boundary of the zone.
- (c) Where the application of the above rules does not clarify the zone boundary location, the Board shall interpret the map.

SEC. 10-2.307. LIMITATION OF LAND USE.

No building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose except as specifically allowed in the zone in which the building or land is located.

SEC. 10-2.308. PREZONED LAND.

- (a) Prezoned land shall carry a "P" prefix before the zone classification and shall be so designated on the official zoning map of the City.
- (b) The zone established by pre zoning shall become effective and the "P" prefix shall be automatically removed when the property is annexed.

SEC. 10-2.309. CLASSIFICATION OF ANNEXED PROPERTY.

- (a) All property annexed to the City which has not been rezoned shall automatically be classified as shown on the following conversion table, except as provided in subsections (b) and (c).

Stanislaus County

City of Modesto

F	R-1
A-2	R-1
R-A	R-1
R-1	R-1
R-2	R-2
R-3	R-3
C-1	C-1
C-2	C-2
H-1	C-3
L-M	M-1
M	M-2
P-D	R-1

- (b) Any property annexed to the City which in the County was unclassified or in a zoning classification that does not appear in the table in subsection (a) shall be classified as R-1.
- (c) The application of County zoning in accordance with the provisions of subsections (a) and (b) shall not prejudice the right of the Council or the Commission to initiate rezoning of any land.

ARTICLE 4. (THERE IS NO ARTICLE 4. THE NEXT ARTICLE IS ARTICLE 5.)

ARTICLE 5. LOW DENSITY RESIDENTIAL ZONE (R-1)

SEC. 10-2.501. PURPOSE AND INTENT.

The purposes and intent of the R-1 zone are to:

- (a) Implement General Plan policy by permitting low density residential areas throughout the urban area.
- (b) Preserve a high degree of compatibility between adjacent R-1 uses and between R-1 and other types of development.
- (c) Protect property from unreasonable obstruction of light, sun and air.

SEC. 10-2.502. PERMITTED USES.

The following are permitted uses:

- (a) One (1) single family dwelling per lot.
- (b) Two (2) single family dwellings or a duplex on any corner lot, provided that the driveway serving the off-street parking for one

dwelling unit shall have access to one street and the driveway serving the off-street parking for the other dwelling unit shall have access to another street. If the lot has access to an alley, one or both driveways may access to the alley.

- (c) The provision of lodging and/or boarding to a maximum of three (3) persons by a proprietor who lives on the premises. Lodgers and boarders may use the proprietor's kitchen, but shall not be permitted separate eating, cooking or food storage facilities. Lodging or boarding is not permitted where there are two (2) dwellings on a lot.
- (d) The operation of a bed and breakfast home, provided that not more than two (2) bedrooms may be used for the lodging of guests and that the property owner shall reside on the premises.
- (e) Adult day care for three (3) or fewer persons in addition to members of the family if there is only one (1) dwelling unit on the lot.
- (f) Twenty-four (24) hour care for six (6) or fewer persons in addition to members of the family. Twenty-four (24) hour care is not permitted where there are two (2) dwellings on a lot.
- (g) Child day care for twelve (12) or fewer children in addition to members of the family. Only one (1) day care business is permitted per lot.
- (h) Parks owned and operated by a governmental agency.
- (i) The growing of fruit and nut trees, vines, row crops and horticultural stock.
- (j) A dish-type, satellite antenna, subject to the following conditions:
 - (1) A satellite antenna shall be located at least five (5) feet from the rear lot line and entirely outside of any required front yard and side yard. A satellite antenna shall not be located in the area between a required front yard and the front of a main building on a lot if the satellite antenna will be visible from the front lot line.
 - (2) A satellite antenna shall not exceed thirteen (13) feet in diameter.
 - (3) A satellite antenna shall be ground-mounted and shall not exceed a height of fifteen (15) feet at the highest point of the antenna.
- (k) Signs subject to the provisions of Article 21.
- (l) Accessory uses and structures customarily incidental to the above permitted uses.

The following uses are permitted upon securing plot plan approval from the Board:

- (a) Two (2) dwelling units are allowed on all interior lots subject to these conditions:
 - (1) The property owner shall live in one of the units.
 - (2) One of the units shall have no more than six hundred and forty (640) square feet.
 - (3) Three (3) off-street parking spaces shall be provided.
 - (4) If there is an existing unit prior to plan approval, the unit must be brought into conformance with the Housing Code prior to occupancy of the second unit.
 - (5) Maintaining a single family dwelling appearance shall be given special consideration in plan review through means such as:
 - (aa) Attaching the second unit to the first on small or typical sized lots. On large or deep lots detached units are acceptable.
 - (ab) Putting the second unit entrance to the side or rear of the building so it is not readily visible from the same street as the first unit's entrance.
 - (ac) Locating parking so that all three (3) spaces are not readily visible from the same street. Alley access for both units is acceptable.
 - (ad) Employing construction materials and architectural styles which blend the units so they appear as a single residence if attached or a single residence and accessory building if detached.
- (b) A dish-type, satellite antenna, subject to the setback, size, and code requirements for a dish-type, satellite antenna as a permitted use but higher than fifteen (15) feet subject to these conditions:
 - (1) Evidence, satisfactory to the Board, that a low, ground mounting of a satellite antenna will not produce a usable satellite signal.
 - (2) The satellite antenna shall not exceed a height of thirty-five (35) feet at the highest point of the antenna.
 - (3) The satellite antenna shall have rear yard or rear-of-house orientation unless these options preclude a usable satellite signal.

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

SEC. 10-2.504. CONDITIONAL USES.

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

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

SEC. 10-2.505. HOME BUSINESS.

- (a) Conducting a business in or from a dwelling is a permitted use of an accessory nature which is subject to the following conditions:

- (1) The person conducting the business shall reside on the premises on a regular full-time basis and the business shall be clearly incidental and secondary to the residential use.
- (2) The residential appearance of the premises shall not be altered through remodeling or new construction so as to give the appearance of other than normal residential premises or to call attention to the premises.
- (3) The business shall be conducted entirely within buildings designed and built for normal residential use and there shall be no outside activity, storage or display.
- (4) No parking or traffic shall be generated by the business in greater volumes than would normally be expected for a residence.
- (5) No trucks or construction equipment shall be parked or stored on or near the premises.
- (6) No more than one (1) business vehicle shall be parked or used in connection with the business on or near the premises. All business pick ups and deliveries to and from the premises shall be only by the one (1) allowed business vehicle. "Business vehicle" means a car, pickup or small van used for home business purposes and driven by a person living on the premises.
- (7) Employees shall not work at or be dispatched from the premises nor otherwise be on or about the premises for business purposes.
- (8) There shall be no delivery of merchandise to customers at the premises other than that incidental to a service conducted on the premises.
- (9) Sales or services conducted away from the premises may be advertised in any commercial telephone directory (yellow pages), newspaper, circular or other commercial media, including radio and television.
- (10) Sales or services conducted on the premises shall not be listed in any commercial telephone directory (yellow pages) nor be advertised in any newspaper, circular or other commercial media, including radio and television.
- (11) Signs shall not be used to identify the business, its products or services.
- (12) The business shall not create a disturbance or nuisance by reason of noise, odor, fumes, dust, vibration, smoke, electrical interference or other causes.
- (13) Notwithstanding the above limitations, any person who is severely impaired or handicapped as defined by State law may employ a maximum of two (2) people on the premises who do not

reside there and may advertise in any commercial telephone directory (yellow pages), newspaper, circular or other commercial media, including radio and television.

- (b) All businesses conducted in and from a dwelling shall comply with the licensing requirements for businesses in the City.
- (c) Prior to receipt of a license to conduct a business in or from a dwelling, a permit shall be obtained from the Director.

SEC. 10-2.506. GARAGE SALES.

Garage sales are permitted uses subject to these conditions:

- (a) No garage sale shall be conducted on the same premises for more than three (3) consecutive days.
- (b) Not more than two (2) garage sales may be conducted on the same premises in any calendar year.

SEC. 10-2.507. ANIMALS AND FOWL.

- (a) The keeping of the following animals and fowl is a permitted use:
 - (1) A maximum of two (2) dogs, five (5) months or older, per dwelling unit.
 - (2) A maximum of three (3) cats, three (3) months or older, per dwelling unit.
 - (3) A maximum of twelve (12) other domestic fowl (hens only), rabbits, hares, or other domestic animals customarily considered to be household pets per dwelling unit.
- (b) The following animals and fowl are permitted upon securing a conditional use permit from the Board:
 - (1) A maximum of fifty (50) racing homer pigeons maintained in pens or lofts on a lot which contains at least one (1) dwelling unit.
 - (2) A maximum of two (2) exotic pets.
 - (3) Additional numbers of the animals and fowl permitted in (a)(3) above.
- (c) There shall be a minimum of forty (40) feet between the window or door of any building used for human habitation and pens, coops, cages or similar housings where animals and fowl, except household pets, are kept.
- (d) There shall be a minimum separation equal to the required side yard between any property line and any pens, coops, cages or similar housings for animals and fowl.

- (e) All animals and fowl shall be kept in conformance with all other laws, ordinances and regulations governing them, including licensing regulations.

SEC. 10-2.508. HEIGHT.

No structure shall exceed two (2) stories or thirty (30) feet whichever is the lesser height, and no wall or fence shall exceed eight (8) feet except when permitted by a conditional use permit.

SEC. 10-2.509. FRONT YARD.

- (a) Every building shall have a minimum front yard of fifteen (15) feet except for garages, carports and required parking spaces opening onto the front street which shall have a minimum yard of twenty (20) feet.
- (b) On through lots every building shall have a front yard as required above on both frontages. If vehicular access is denied and a minimum six (6) foot wall is maintained across one frontage, accessory structures no higher than the wall are permitted in the yard area adjacent to that frontage.
- (c) Front yard areas shall be unobstructed unless otherwise provided except that walls and fences outside the clear vision triangle are permitted a maximum of forty-two (42) inches in height.

SEC. 10-2.510. SIDE YARDS.

- (a) The minimum side yard for a dwelling shall be five (5) feet. Use of a side yard by an adjacent property owner is permissible in a subdivision provided:
 - (1) The side yard is included in a nonexclusive easement for landscaping by the adjacent property owner and subject to maintenance and repair rights of the property owner. Above or below ground structures shall not be constructed in the easement.
 - (2) Provisions for the nonexclusive easement are contained in the covenants, conditions, and restrictions for the subdivision with wording approved by the City Attorney.
 - (3) There are no doors or entry ways in the building walls adjacent to the easement.
 - (4) The side yard may not be used for the parking or storage of vehicles including but not limited to automobiles, trucks, trailers, motor homes, mobile homes, or other recreational vehicles.
- (b) The minimum side yard for a garage, carport, required parking space or accessory structure shall be five (5) feet except when located to

the rear and at least five (5) feet from the dwelling(s), in which case no side yard is required. This minimum five (5) foot area between a dwelling and accessory building or use shall be unobstructed from the ground upward. In no case shall any portion of a building overhang a property line.

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

SEC. 10-2.511. REAR YARD.

Rear yards are not required except as follows:

- (a) A reversed corner lot shall have a minimum rear yard of five (5) feet.
- (b) Any building used for human habitation shall have a minimum rear yard equal to the required side yard for a dwelling.

SEC. 10-2.512. STREET FRONTAGE.

Every lot shall have frontage on a street.

SEC. 10-2.513. AREA.

Every lot shall have a minimum area of five thousand (5,000) square feet for interior lots and five thousand five hundred (5,500) square feet for corner lots.

SEC. 10-2.514. LOT WIDTH.

- (a) Every interior lot shall have a minimum width of fifty (50) feet at the front yard setback line and forty (40) feet at the front lot line except as in subsection (c) of this section.
- (b) Every corner lot shall have a minimum width of sixty (60) feet at the front yard setback line and fifty (50) feet at the front lot line except as in subsection (c) of this section.

- (c) Lots with a minimum width of twenty (20) feet at both the front lot line and front yard setback line may be approved with three findings:
- (1) Creation of the lot(s) will enable use of an existing parcel to permitted density.
 - (2) The existing parcel is of a size and shape that does not allow the creation of standard shaped lots.
 - (3) A plot plan for development of the lot(s) has been approved by the Commission.
- (d) No building permit shall be issued for a lot approved under subsection (c) above without an approved plot plan and recorded subdivision or parcel map.

SEC. 10-2.515. LOT COVERAGE.

All buildings and required parking spaces shall not cover more than fifty (50) percent of the area of an interior lot and fifty-five (55) percent of a corner lot.

ARTICLE 6. MEDIUM DENSITY RESIDENTIAL ZONE (R-2)

SEC. 10-2.601. PURPOSE AND INTENT.

The purposes of the R-2 zone are to:

- (a) Implement General Plan policy by encouraging the development of medium density residential areas throughout the urban area.
- (b) Establish a density zone where the number of units to be developed are related to the lot area.
- (c) Impose conditions on development to protect property from unreasonable obstruction of light, sun and air and to provide privacy between dwelling units.

SEC. 10-2.602. PERMITTED USES.

The following are permitted uses:

- (a) Any permitted use in the R-1 zone, including lodging, boarding or twenty-four (24) hour care where there are two (2) dwelling units on a lot.
- (b) Multiple family dwellings.

SEC. 10-2.603. PLOT PLAN USES.

The following uses are permitted upon securing a plot plan approval from the Board:

(a) Any development consisting of two (2) or more residential buildings per lot or five (5) or more dwelling units.

(b) A dish-type, satellite antenna as noted under plot plan uses in the R-1 zone.

SEC. 10-2.604. CONDITIONAL USES.

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

(a) Any conditional use in the R-1 zone.

(b) Lodging, boarding, adult day care and twenty-four (24) hour care where there are two (2) dwelling units on a lot.

SEC. 10-2.605. LOTS WITH EXISTING UNITS.

If a dwelling(s) is added to a lot with an existing dwelling(s), the existing dwelling(s) shall comply with the Housing Code prior to occupancy of the additional dwelling(s).

SEC. 10-2.606. HEIGHT.

No structure shall exceed two (2) stories or thirty-five (35) feet whichever is the lesser height, and no wall or fence shall exceed eight (8) feet, except when permitted by a conditional use permit.

SEC. 10-2.607. FRONT YARD.

Front yards are as required in the R-1 zone.

SEC. 10-2.608. SIDE AND REAR YARDS.

(a) For development with only one (1) residential building with four (4) or fewer dwelling units per lot, side and rear yards are as required in the R-1 zone.

(b) For development with two (2) or more residential buildings per lot or five (5) or more dwelling units per lot, side and rear yards are as required in the R-1 zone except as follows:

(1) The minimum side or rear yard for any two (2) story portion of a residential building not adjacent to property zoned R-1 in the City or A-2, R-A or R-1 in the County shall be ten (10) feet.

(2) The minimum side or rear yard for any two (2) story portion of a residential building adjacent to property zoned R-1 in the City or A-2, R-A or R-1 in the County shall be forty (40) feet. This setback may be reduced to a minimum of ten (10) feet by the Commission as long as compatibility with adjacent properties is maintained.

SEC. 10-2.609. AREA AND DENSITY.

Every lot shall have a minimum area of six thousand (6,000) square feet for interior lots and six thousand five hundred (6,500) square feet for corner lots. One (1) dwelling unit shall be permitted for each three thousand (3,000) square feet of lot area.

SEC. 10-2.610. LOT WIDTH.

- (a) Every lot shall have a minimum width of sixty (60) feet at the front yard setback line and fifty (50) feet at the front lot line except as in subsections (b) and (c) below.
- (b) If the shape of the parcel(s) to be created is other than generally rectangular or square, the width at the front yard setback line may be reduced to a minimum of fifty (50) feet and at the front lot line to a minimum of forty (40) feet.
- (c) Lots with a minimum width of twenty (20) feet at both the front lot line and front yard setback line may be approved with three findings:
 - (1) Creation of the lot(s) will enable use of an existing parcel to permitted density.
 - (2) The existing parcel is of a size and shape that does not allow the creation of standard shaped lots.
 - (3) A plot plan for development of the lot(s) has been approved by the Commission.
- (d) No building permit shall be issued for a lot approved under subsection (c) above without an approved plot plan and recorded subdivision or parcel map.

SEC. 10-2.611. LOT COVERAGE.

All buildings and required parking spaces shall not cover more than fifty-five (55) percent of an interior lot and sixty (60) percent of a corner lot.

SEC. 10-2.612. STREET FRONTAGE.

Every lot shall have frontage on a street.

ARTICLE 7. MEDIUM HIGH DENSITY RESIDENTIAL ZONE (R-3)

SEC. 10-2.701. PURPOSE AND INTENT.

The purposes of the R-3 zone are to:

- (a) Implement General Plan policy by encouraging the development of medium high density residential areas throughout the urban area.
- (b) Encourage a wide variety and density of housing in Modesto.

- (c) Impose conditions on development to protect property from unreasonable obstruction of light, sun and air and to provide privacy between dwelling units.

SEC. 10-2.702. PERMITTED USES.

The following are permitted uses:

- (a) Any permitted use in the R-2 zone.
- (b) Boarding house.
- (c) Lodging house.

SEC. 10-2.703. PLOT PLAN USES.

The following uses are permitted upon securing a plot plan approval from the Board:

- (a) Any development consisting of two (2) or more residential buildings per lot or five (5) or more dwelling units.
- (b) A dish-type, satellite antenna as noted under plot plan uses in the R-1 zone.

SEC. 10-2.704. CONDITIONAL USES.

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

- (a) Any conditional use in the R-2 zone.
- (b) A not-for-profit membership or charitable organization, provided the chief activity is not customarily carried on as a business.

SEC. 10-2.705. LOTS WITH EXISTING UNITS.

If a dwelling(s) is added to a lot with an existing dwelling(s), the existing dwelling(s) shall comply with the Housing Code prior to occupancy of the additional dwelling(s).

SEC. 10-2.706. HEIGHT.

Height is as limited in the R-2 zone.

SEC. 10-2.707. FRONT YARD.

Front yards are as required in the R-1 zone.

SEC. 10-2.708. SIDE AND REAR YARDS.

Side and rear yards are as required in the R-2 zone.

SEC. 10-2.709. AREA AND DENSITY.

Every lot shall have a minimum area of six thousand (6,000) square feet for interior lots and six thousand five hundred (6,500) square feet for corner lots. Three (3) dwelling units shall be permitted for the first six thousand (6,000) square feet. One (1) dwelling unit shall be permitted for each fifteen hundred (1,500) square feet over the required area for three (3) dwelling units.

SEC. 10-2.710. LOT WIDTH.

Lot width shall be as required in the R-2 zone.

SEC. 10-2.711. LOT COVERAGE.

All buildings and required parking spaces shall not cover more than sixty (60) percent of an interior lot and sixty-five (65) percent of a corner lot.

SEC. 10-2.712. STREET FRONTAGE.

Every lot shall have frontage on a street.

ARTICLE 8. (THERE IS NO ARTICLE 8. THE NEXT ARTICLE IS ARTICLE 9.)

ARTICLE 9. PROFESSIONAL OFFICE ZONE (P-O)

SEC. 10-2.901. PURPOSE AND INTENT.

The purposes of the P-O zone are:

- (a) To provide a location for business and professional offices, institutions and related services on collector and major streets, adjacent to related centers of activity like a hospital, shopping center or downtown commercial area.
- (b) To provide a zone for nonresidential uses of a less intensive nature than allowed in commercial zones adjacent to residential areas. Compatibility is insured through development standards which are noncommercial in nature.

SEC. 10-2.902. PERMITTED USES.

The following are permitted uses:

- (a) Signs subject to the provisions of Article 21.
- (b) For residential uses, a dish-type, satellite antenna, subject to the following conditions:
 - (1) A satellite antenna shall be located at least five (5) feet from the rear lot line and entirely outside of any required front yard and side yard. A satellite antenna shall not be located in the area between a required front yard and the front

of a main building on a lot if the satellite antenna will be visible from the front lot line.

- (2) A satellite antenna shall not exceed thirteen (13) feet in diameter.
 - (3) A satellite antenna shall be ground-mounted and shall not exceed a height of fifteen (15) feet at the highest point of the antenna.
- (c) For nonresidential uses, one (1) dish-type, satellite antenna per use not to exceed thirteen (13) feet in diameter and which is either:
- (1) Ground-mounted so as not to exceed fifteen (15) feet at the highest point of the antenna, and located to the rear of the building excepting the ten (10) feet of any rear setback area that may exist adjacent to the rear property line, or
 - (2) Mounted so that it is more than fifteen (15) feet, but not more than thirty-five (35) feet at its highest point, located so as to have a rear-of-building orientation as approved by the Director.

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

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

- (a) Business office (including government office, insurance sales and services, real estate sales and services, stock broker, utility office; excluding retail or wholesale sales, banks, savings and loans and similar financial institutions).
- (b) Medical and dental office or laboratory.
- (c) Pharmacy (excluding manufacture or distribution of pharmaceuticals).
- (d) Professional office (including accountant, architect, attorney, chiropractor, chiropodist, engineer, optometrist, surveyor).
- (e) For nonresidential uses, a dish-type, satellite antenna not meeting the provisions of Section 10-2.902(c) and not larger than thirteen (13) feet in diameter and not exceeding a height of thirty-five (35) feet at the highest point of the antenna.

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

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

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

(c) For residential uses, a dish-type, satellite antenna, subject to the setback, size, and code requirements for a dish-type, satellite antenna as a permitted use but higher than fifteen (15) feet subject to these conditions:

- (1) Evidence, satisfactory to the Commission, that a low, ground mounting of a satellite antenna will not produce a usable satellite signal.
- (2) The satellite antenna shall not exceed a height of thirty-five (35) feet at the highest point of the antenna.
- (3) The satellite antenna shall have rear yard or rear-of-house orientation unless these options preclude a usable satellite signal.
- (4) Evidence, satisfactory to the Commission, that available technologies have been explored such as the feasibility of smaller dishes to reduce the visual mass; use of perforated metals, radar mesh, or wire screen to reduce the visual mass; and selection of a subdued flat color to minimize the visual impact.

SEC. 10-2.905. CONDITIONAL USES.

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

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

SEC. 10-2.906. HEIGHT.

No structure shall exceed two (2) stories or thirty-five (35) feet, whichever is the lesser height, and no wall or fence shall exceed eight (8) feet in height, except when permitted by a conditional use permit:

SEC. 10-2.907. FRONT YARD.

- (a) Every building shall have a minimum front yard of fifteen (15) feet.
- (b) Every parking area shall have a minimum front yard of ten (10) feet.
- (c) On through lots every building shall have a front yard as required above on both frontages. If vehicular access is denied to and a minimum six (6) foot wall maintained across one frontage, accessory structures no higher than the wall are permitted in the yard area adjacent to that frontage.
- (d) Front yards shall be unobstructed except that walls and fences outside the clear vision triangle are permitted a maximum of forty-two (42) inches in height.
- (e) Front yards shall be landscaped.

SEC. 10-2.908. SIDE AND REAR YARDS.

- (a) Every building and parking area shall have a minimum side and rear yard of five (5) feet.
- (b) On corner lots the minimum side street side yard shall be fifteen (15) feet for buildings and ten (10) feet for parking, except for lots legally existing or shown on a tentative subdivision map approved prior to July 5, 1955, in which case it shall be a minimum of seven and one-half (7.5) feet.
- (c) Side street side yards shall be unobstructed except that walls and fences outside the clear vision triangle are permitted a maximum of forty-two (42) inches in height.
- (d) If a legally existing lot has less than the required lot width, the side yards shall each be a minimum of ten (10) percent of the lot width. In no case shall an interior lot side yard be less than three (3) feet and a side street side yard be less than seven and one-half (7.5) feet.
- (e) Side and rear yards shall be landscaped unless otherwise approved by the Board.

SEC. 10-2.909. LOT AREA.

Every lot shall have a minimum area of six thousand (6,000) square feet for interior lots and six thousand five hundred (6,500) square feet for corner lots.

SEC. 10-2.910. LOT WIDTH.

- (a) Every interior lot shall have a minimum width of sixty (60) feet at the front yard setback line and fifty (50) feet at the front lot line except as in (c) below.

- (b) Every corner lot shall have a minimum width of seventy (70) feet at the front yard setback line and sixty (60) feet at the front lot line except as in (c) below.
- (c) If the shape of the parcel(s) to be created is other than generally rectangular or square, the width at the front yard setback line may be reduced to a minimum of fifty (50) feet for an interior lot and sixty (60) feet for a corner lot. The width at the front lot line may be reduced to a minimum of forty (40) feet for an interior lot and fifty (50) feet for a corner lot.

SEC. 10-2.911. FRONTAGE.

Every lot shall have frontage on a street.

ARTICLE 10. NEIGHBORHOOD COMMERCIAL ZONE (C-1)

SEC. 10-2.1001. PURPOSE AND INTENT.

The purposes of the C-1 zone are:

- (a) To implement General Plan policy by permitting commercial areas for the sale of goods and services which meet the daily needs of a trade area of one or more adjacent neighborhoods.
- (b) To impose conditions on development to protect adjacent property from unreasonable obstruction of light and air, excessive noise and visually incompatible structures and uses.

SEC. 10-2.1002. PERMITTED USES.

The following are permitted uses:

- (a) Any permitted use in the P-O zone other than dwellings.
- (b) Antique store.
- (c) Apparel store.
- (d) Art supply store.
- (e) Art studio, art gallery.
- (f) Autograph and philatelist store.
- (g) Automobile lubrication.
- (h) Automobile tune-up.
- (i) Bank, savings and loan, credit union.
- (j) Bakery (retail).

- (k) Barbershop, beauty shop.
- (l) Bookstore, newsstand.
- (m) Business services (duplicating, addressing, mailing, blueprinting, photostating, stenographic).
- (n) Camera store.
- (o) Child and adult day care.
- (p) Computer store (sales and repair).
- (q) Drugstore, pharmacy.
- (r) Fabric store (including upholstery material).
- (s) Florist, plant nursery.
- (t) Food store.
- (u) Frozen food lockers (individual retail rental).
- (v) Furniture store.
- (w) Gift, novelty or souvenir store.
- (x) Gunsmith shop.
- (y) Hardware store (limited to household and garden).
- (z) Housewares and small appliance store (including pictures, frames, lamps, shades, window shades, draperies, curtains, microwaves, irons, toasters).
- (aa) Instruction in arts, athletics, self defense (such as art, music, drama, dance, gymnastics, judo, karate).
- (ab) Interior decorating service.
- (ac) Jewelry, watch or clock store (sales and repair).
- (ad) Laundry and dry cleaning store.
- (ae) Library.
- (af) Liquor store (off-premise consumption).
- (ag) Luggage and leather good store (sales and repair)
- (ah) Motel, hotel.
- (ai) Museum.

(aj) Musical instruments and record store.

(ak) Office supply and stationery store.

(al) Paint and wallpaper store.

(am) Parks owned and operated by a governmental agency.

(an) Parking lot or garage.

(ao) Parts store (excluding tires) for automobiles, motorboats, motorcycles, and trailers (sales only, no repair, service, rebuilding or installation).

(ap) Pet store.

(aq) Photographic studio, film processing.

(ar) Radio, television and electronic device store (sales and repair).

(as) Repair shop (such as bicycle, camera, lawn mower and saw sharpening, knife and tool, musical instrument, key duplication, small appliance, handyman repair service).

(at) Restaurant (Alcoholic beverages may be served only in conjunction with meals. No separate bar or cocktail lounge is allowed. Music may be provided, but no dancing or entertainment is permitted).

(au) Service station.

(av) Shoe store (sales and repair).

(aw) Signs subject to the provisions of Article 21.

(ax) Sporting goods store.

(ay) Tailor and seamstress shop.

(az) Tobacco store.

(ba) Toy or hobby store.

(bb) Travel agency.

SEC. 10-2.1003. PLOT PLAN USES.

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

SEC. 10-2.1004. CONDITIONAL USES.

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

- (a) Any conditional use in the P-O zone which is not a permitted use in the C-1 zone.
- (b) Buildings, facilities or grounds operated by any governmental agency or public utility which are not a permitted use.
- (c) Club and private recreational facilities.
- (d) Radio or television transmitter.
- (e) Recreation services (limited to amusement machine centers, slot car racing, pool halls or other similar indoor uses).
- (f) Residential and related facilities (boarding house, lodging house).
- (g) School (elementary and secondary).
- (h) Stone monument store (retail sales only, no cutting or blasting other than lettering).
- (i) Vocational school.
- (j) Windmill (accessory to a use permitted in the zone).

SEC. 10-2.1005. ACCESSORY USES AND BUILDINGS.

- (a) Accessory uses and buildings customarily incidental to the permitted and conditional uses are permitted.
- (b) Manufacturing, processing, packaging or storing of materials at wholesale is permitted subject to these conditions:
 - (1) Not more than twenty-five (25) percent of the gross building area and twenty-five (25) percent of the remaining lot area may be used for these purposes.
 - (2) All manufacturing, processing, packaging or storing of materials shall be in the same line of merchandise as the retail business on the premises and shall only be for the purpose of retail sale on the premise or other commercial premises operated by the same retail business.

SEC. 10-2.1006. HEIGHT.

No structure shall exceed a height of two (2) stories or thirty-five (35) feet, whichever is the lesser height, except when permitted by a conditional use permit.

SEC. 10-2.1007. FRONT YARD.

Every building shall have a minimum front yard of ten (10) feet unless the property is adjacent to an alley. All front yards, required or not, shall be landscaped.

SEC. 10-2.1008. SIDE AND REAR YARDS.

- (a) No building or structure need have a side or rear yard except when the side or rear of a lot is adjacent to property zoned R-1, R-2, R-3 or residential P-D in the City or R-1, R-2, R-3 in the County. When this occurs the following regulations apply, even if the properties are separated by an alley:
 - (1) Every building shall have yards a minimum of ten (10) feet or ten (10) percent of lot width (for side yard) or lot depth (for rear yard), whichever is greater, up to a maximum of forty (40) feet. Uncovered parking spaces are exempt from this setback except along a side street.
 - (2) An eight (8) foot high masonry wall shall be constructed along the property line.
 - (3) If a public alley separates C-1 property from the residential zones listed above, the alley width may be counted as part of the setback, but no parking or driveways shall be permitted off the alley.
- (b) The above side and rear yard requirements are applicable to new buildings and additions to existing buildings.
- (c) Every building shall have a minimum side street side yard of ten (10) feet except when the property is adjacent to an alley. All side street side yards, required or not, shall be landscaped.

SEC. 10-2.1009. OUTDOOR DISPLAY, SALES AND PROMOTIONS.

- (a) Outdoor display or sale of goods or services is permitted for those uses which are customarily conducted outdoors as determined by the Director. Examples of such uses are nurseries, service stations and car lots. As used in this section, "outdoor" shall mean all areas that are not enclosed on all four (4) sides by a building wall or other permanent view-obscuring wall or fence.
- (b) Outdoor display or sale of goods or services by all other uses shall be limited to three (3) times in number during any twelve-month period for each business subject to these conditions:
 - (1) All sales shall be conducted by a business located on the property.
 - (2) All merchandise or services displayed outdoors shall be of the same types ordinarily sold indoors at the business conducting the sale.

- (3) Each display or sale shall be limited to a maximum of three (3) consecutive days.
 - (4) No display shall encroach on a public right-of-way.
 - (5) All displays shall be subject to the sign regulations of this Chapter, including the prohibition of temporary signs.
 - (6) Prior to any display or sale, a permit for such shall be obtained from the Director.
- (c) Outdoor promotions or events are permitted by a licensed business, merchant association, school, charitable or not-for-profit organization. Promotions or events shall not promote or display the goods or services of any business on the premises and shall be subject to all other limitations in the Modesto Municipal Code, including those governing carnivals, circuses, dances and outdoor sound equipment and noise. Examples of such promotions or events are carnivals, circuses, animal rides, car shows, sporting events, and other exhibitions.
 - (d) Outdoor fund-raising sales by school, charitable or not-for-profit organizations are permitted if the sale is carried on wholly by the organization and it will derive, both directly and indirectly, any and all profits to be derived from the sale. Such sales are not permitted solely by reason of sponsorship by a school, charitable or not-for-profit organization.
 - (e) Outdoor display or sale of goods or services by itinerant vendors as defined by the Modesto Municipal Code is prohibited.
 - (f) Use of a hot air balloon for a promotion or event shall be limited to three (3) times in number during any twelve (12) month period for each business.

ARTICLE 11. GENERAL COMMERCIAL ZONE (C-2)

SEC. 10-2.1101. PURPOSE AND INTENT.

The purposes of the C-2 zone are:

- (a) To implement General Plan policy by permitting commercial areas for the sale of goods and services which meet the needs of a broad trade area.
- (b) To impose conditions on development to protect adjacent property from unreasonable obstruction of light and air, excessive noise and visually incompatible structures and uses.

SEC. 10-2.1102. PERMITTED USES.

The following are permitted uses:

- (a) Any permitted use in the C-1 zone.
- (b) Appliance store.
- (c) Armored car service.
- (d) Automobile and recreational vehicle dealer.
- (e) Automobile repair (excluding painting, body and fender work, machining and tire rebuilding, except that incidental to general repair).
- (f) Bar, cocktail lounge.
- (g) Broadcasting studio (radio or television).
- (h) Carnival.
- (i) Circus.
- (j) Department store.
- (k) Electric motor shop.
- (l) Exterminating service.
- (m) Farm supply store.
- (n) Floor covering store.
- (o) Janitorial service.
- (p) Laboratory (research and testing).
- (q) Locksmith shop.
- (r) Medical and orthopedic supply store.
- (s) Printing shop.
- (t) Recreation services (bowling alley, ice or roller skating rink, racquetball club or similar indoor uses).
- (u) Security agency.
- (v) Sign painting shop.
- (w) Taxicab office, repair and storage (excluding painting and body and fender work, except that incidental to general repair).
- (x) Taxidermist shop.
- (y) Theatre (indoor).

(z) Tire, battery and vehicle accessory store (excluding tire rebuilding, recapping and retreading).

(aa) Upholstery and furniture repair shop.

SEC. 10-2.1103. PLOT PLAN USES.

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

SEC. 10-2.1104. CONDITIONAL USES.

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

- (a) Any conditional use in the C-1 zone which is not a permitted use in the C-2 zone.
- (b) Bus terminal.
- (c) Car wash.
- (d) Funeral home.
- (e) Kennel.
- (f) Massage and bath service, massage school, hot tub rental.
- (g) Recreation services (bumper cars, miniature golf, skateboard park, tennis club or similar outdoor uses).
- (h) Theatre (outdoor).

SEC. 10-2.1105. ACCESSORY USES AND BUILDINGS.

Accessory uses and buildings are as permitted in the C-1 zone except that there shall be no restriction on the percentage of floor space which may be used for wholesaling.

SEC. 10-2.1106. HEIGHT.

No structure shall exceed eight (8) stories or ninety (90) feet in height, whichever is the lesser height, except those structures for uses permitted with a conditional use permit.

SEC. 10-2.1107. FRONT YARD.

Front yards are as required in the C-1 zone.

SEC. 10-2.1108. SIDE AND REAR YARDS.

Side and rear yards are as required in the C-1 zone.

SEC. 10-2.1109. OUTDOOR DISPLAY, SALES AND PROMOTIONS.

Outdoor display, sales and promotions are as permitted in the C-1 zone.

ARTICLE 12. HIGHWAY COMMERCIAL ZONE (C-3)

SEC. 10-2.1201. PURPOSE AND INTENT.

The purposes of the C-3 zone are to:

- (a) Permit varied uses of property on major streets which are important intercity transportation links.
- (b) Promote a free traffic flow on major thoroughfares.
- (c) Assure compatibility among the uses along major thoroughfares and with existing and future uses in adjacent zones.
- (d) Supply an area for the conduct of:
 - (1) Retail, service, and institutional uses not ordinarily found in shopping centers.
 - (2) Uses generally dependent on a regional, rather than a local population for their support.
 - (3) Uses requiring a large land area for successful operation.
- (e) Encourage development of open, uncrowded, and attractive projects that will enhance major thoroughfares.

SEC. 10-2.1202. PERMITTED USES.

The following are permitted uses:

- (a) Signs subject to the provisions of Article 21.
- (b) For residential uses, a dish-type, satellite antenna, subject to the following conditions:
 - (1) A satellite antenna shall be located at least five (5) feet from the rear lot line and entirely outside of any required front yard and side yard. A satellite antenna shall not be located in the area between a required front yard and the front of a main building on a lot if the satellite antenna will be visible from the front lot line.
 - (2) A satellite antenna shall not exceed thirteen (13) feet in diameter.

- (3) A satellite antenna shall be ground-mounted and shall not exceed a height of fifteen (15) feet at the highest point of the antenna.
- (c) For nonresidential uses, one (1) dish-type, satellite antenna per use not to exceed thirteen (13) feet in diameter and which is either:
- (1) Ground-mounted so as not to exceed fifteen (15) feet at the highest point of the antenna, and located to the rear of the building excepting the ten (10) feet of any rear setback area that may exist adjacent to the rear property line, or
 - (2) Mounted so that it is more than fifteen (15) feet, but not more than thirty-five (35) feet at its highest point, located so as to have a rear-of-building orientation as approved by the Director.

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

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

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

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

- (a) R-2 and R-3 density multiple family dwellings.
- (b) Accessory commercial services to serve residents of a permitted residential development.
- (c) For residential uses, a dish-type, satellite antenna, subject to the setback, size, and code requirements for a dish-type, satellite antenna as a permitted use but higher than fifteen (15) feet subject to these conditions:
 - (1) Evidence, satisfactory to the Commission, that a low, ground mounting of a satellite antenna will not produce a usable satellite signal.
 - (2) The satellite antenna shall not exceed a height of thirty-five (35) feet at the highest point of the antenna.
 - (3) The satellite antenna shall have rear yard or rear-of-house orientation unless these options preclude a usable satellite signal.
 - (4) Evidence, satisfactory to the Commission, that available technologies have been explored such as the feasibility of smaller dishes to reduce the visual mass; use of perforated

metals, radar mesh, or wire screen to reduce the visual mass; and selection of a subdued flat color to minimize the visual impact.

SEC. 10-2.1205. CONDITIONAL USES.

The following uses are allowed in any development for which a conditional use permit has been granted by the Board:

- (a) Any permitted or conditional use in the C-1 or C-2 zones.
- (b) Building materials store (excluding lumber yard).
- (c) Campground, recreational vehicle overnight park.
- (d) Farm machinery store.
- (e) Package delivery service, express office.
- (f) Truck, truck trailer and mobile home dealer.
- (g) Warehousing, storage.

SEC. 10-2.1206. ACCESSORY USES AND BUILDINGS.

- (a) Accessory uses and buildings customarily incidental to the permitted or conditional uses are permitted.
- (b) Manufacturing, processing or packaging of materials to be sold or stored is permitted subject to these conditions:
 - (1) Not more than twenty-five (25) percent of the gross building area and twenty-five (25) percent of the remaining lot area may be used for these purposes.
 - (2) All manufacturing, processing or packaging shall be in the same line of merchandise as the retail or wholesale business on the premises and shall only be for the purpose of retail or wholesale sale on the premises or other commercial premises operated by the same business.

SEC. 10-2.1207. STANDARDS.

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

- (a) Nuisances. No operation shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration or electrical interference detectable off the premises.
- (b) Front Yard. Every building shall have a minimum landscaped front yard of fifteen (15) feet. Every parking area shall have a minimum landscaped front yard of ten (10) feet.

(c) Commercial Side and Rear Yards. No building or structure need have a side or rear yard except as follows:

- (1) On a side street a landscaped yard not less than fifteen (15) feet for buildings and ten (10) feet for parking shall be provided.
- (2) Whenever the side or rear of a lot is adjacent to property zoned for or developed with residential uses, compatibility between uses shall be maintained. Conditions on setbacks, landscaping, building height, noise baffling or similar measures may be utilized to maintain compatibility.

(d) Residential Side and Rear Yards. Residential developments shall have side and rear yards as required in the R-2 and R-3 zones.

(e) Screening. A solid decorative masonry wall eight (8) feet in height shall be constructed along the boundary separating C-3 commercial uses from adjoining residential or agricultural uses or zones. On the C-3 side of the wall a minimum ten (10) foot planting strip with screen landscaping shall be required. Along a side street boundary, the wall shall be at the side street setback line.

(f) Driveways and Accessways.

- (1) Where a wall is required on the side street of a corner lot, no driveway shall be permitted.
- (2) Joint use of driveways and accessways, one parcel to another, shall be encouraged to limit driveways on the major street.

SEC. 10-2.1208. OUTDOOR DISPLAY, SALES AND PROMOTIONS.

Outdoor display, sales and promotions are as permitted in the C-1 zone.

SEC. 10-2.1301. PURPOSE AND INTENT.

The purposes of the C-M zone are:

- (a) To implement General Plan policy by permitting specified commercial and industrial uses not otherwise permitted in the commercial zones.
- (b) To impose conditions on development to protect adjacent property from unreasonable obstruction of light and air, excessive noise and visually incompatible structures and uses.

SEC. 10-2.1302. PERMITTED USES.

The following are permitted uses:

- (a) Any permitted or conditional use in the C-3 zone (except for residential uses and certain dish-type, satellite antennas not otherwise permitted as noted).
- (b) Automobile body and fender works.
- (c) Automobile dismantling and used parts storage.
- (d) Automobile painting shop.
- (e) Automobile steam cleaning shop.
- (f) Blacksmith shop.
- (g) Boat manufacture.
- (h) Bottling plant (soft drinks).
- (i) Building materials store (including lumber, roofing, insulation, awnings, glass, weatherstripping, doors).
- (j) Cabinet shop.
- (k) Carpet cleaning plant.
- (l) Contracting business (including equipment and materials yard).
- (m) Dairy products processing.
- (n) Equipment rental yard.
- (o) Ice dealer.
- (p) Laundry and dry cleaning plant.
- (q) Linen supply and service.

- (r) Machine shop, electric motor shop.
- (s) Moving and storage service.
- (t) Plating and anodizing shop.
- (u) Radiator shop.
- (v) One (1) dish-type, satellite antenna per use not to exceed thirteen (13) feet in diameter and which is either:
 - (1) Ground-mounted so as not to exceed fifteen (15) feet at the highest point of the antenna, and located to the rear of the building excepting the ten (10) feet of any rear setback area that may exist adjacent to the rear property line, or
 - (2) Mounted so that it is more than fifteen (15) feet, but not more than thirty-five (35) feet at its highest point, located so as to have a rear-of-building orientation as approved by the Director.
- (w) Sheet metal shop, heating and plumbing equipment dealer.
- (x) Tire rebuilding, recapping, retreading.
- (y) Truck, truck trailer, mobile home repair.
- (z) Veterinary hospital (large animals).
- (aa) Welding shop.
- (ab) Wholesale business.

SEC. 10-2.1303. PLOT PLAN USES.

Subject to plot plan approval by the Board, a dish-type, satellite antenna not meeting the provisions of Section 10-2.1302(v) and not larger than thirteen (13) feet in diameter and not exceeding a height of thirty-five (35) feet at the highest point of the antenna.

SEC. 10-2.1304. CONDITIONAL USES.

Subject to a conditional use permit from the Board, a dish-type, satellite antenna not meeting the provisions of Sections 10-2.1302(v) or 10-2.1303.

SEC. 10-2.1305. ACCESSORY USES AND BUILDINGS.

- (a) Accessory uses and buildings customarily incidental to the permitted uses are permitted.
- (b) Manufacturing, processing or packaging of materials not permitted in the zone is permitted as an accessory use subject to these conditions:

- (1) Not more than twenty-five (25) percent of the gross building area and twenty-five (25) percent of the remaining lot area may be used for these purposes.
- (2) The manufacturing, processing or packaging shall be in the same line of merchandise as the permitted retail or manufacturing business on the premises and shall only be for the purpose of retail or wholesale sale on the premises, or other commercial premises operated by the same business, or for use in the permitted manufacturing process.

SEC. 10-2.1306. HEIGHT.

Height shall be as permitted in the C-2 zone.

SEC. 10-2.1307. FRONT YARD.

Front yards are as required in the C-1 zone.

SEC. 10-2.1308. SIDE AND REAR YARDS.

Side and rear yards are as required in the C-1 zone.

SEC. 10-2.1309. OUTDOOR DISPLAY, SALES AND PROMOTIONS.

Outdoor display, sales and promotions are as permitted in the C-1 zone.

ARTICLE 14. LIGHT INDUSTRIAL ZONE (M-1)

SEC. 10-2.1401. PURPOSE AND INTENT.

The purposes of the M-1 zone are:

- (a) To implement General Plan policy by permitting areas for light industrial use.
- (b) To impose procedures and conditions on industrial development to protect adjacent property and the community from environmental pollutants and degradation.

SEC. 10-2.1402. PERMITTED USES.

The following are permitted uses:

- (a) Any permitted or conditional use in the C-M zone (except for certain dish-type, satellite antennas not otherwise permitted as noted).
- (b) Battery rebuilding.
- (c) Brewery.
- (d) Bulk fuel storage of Class II flammable liquids for the power needs of food processing plants.

- (e) Distributing, freighting or trucking yard.
- (f) Food and kindred products processing and storage.
- (g) Hatchery.
- (h) Ice plant.
- (i) Manufacture, fabrication, processing, packaging or treatment of:
 - (1) Apparel.
 - (2) Commercial advertising signs or structures.
 - (3) Small ceramic products (such as figurines, stoneware, porcelain, wall and floor tile).
 - (4) Cosmetics, perfumes, toiletries.
 - (5) Electronic and business machines.
 - (6) Furniture and fixtures.
 - (7) Leather products.
 - (8) Lumber and wood products (excluding burning operations).
 - (9) Musical instruments.
 - (10) Paper products (excluding pulp and paper mills).
 - (11) Pharmaceuticals.
 - (12) Photographic equipment.
 - (13) Plastics and plastic products.
 - (14) Rubber and rubber products.
 - (15) Seeds.
 - (16) Textiles.
 - (17) Tobacco.
- (j) Manufacture, fabrication, processing, packaging or treatment of products from the following previously prepared materials: bone, cellophane, cork, feathers, fiber, fur, glass, hair, horn, precious or semi-precious metals or stones, shell, straw.
- (k) Meat packing plant.
- (l) Massage and bath establishments and schools of massage.

(m) Poultry and rabbit slaughter (including custom dressing).

(n) Sand, gravel, brick and building block dealer (excluding concrete mixing, manufacture or rock crushing).

(o) Transit and transportation equipment storage yard.

SEC. 10-2.1403. PLOT PLAN USES.

Subject to plot plan approval by the Board, a dish-type, satellite antenna not meeting the provisions of Section 10-2.1302(v) and not larger than thirteen (13) feet in diameter and not exceeding a height of thirty-five (35) feet at the highest point of the antenna.

SEC. 10-2.1404. CONDITIONAL USES.

Subject to a conditional use permit from the Board, a dish-type, satellite antenna not meeting the provisions of Sections 10-2.1302(v) or 10-2.1303.

SEC. 10-2.1405. HEIGHT.

There are no limitations on the height of structures except as contained in the Airport Zone.

SEC. 10-2.1406. FRONT YARD.

Front yards are as required in the C-1 zone.

SEC. 10-2.1407. SIDE AND REAR YARDS.

Side and rear yards are as required in the C-1 zone.

SEC. 10-2.1408. OUTDOOR DISPLAY, SALES AND PROMOTIONS.

(a) Outdoor display or sale of goods or services is permitted.

(b) Outdoor display or sale of goods or services by itinerant vendors as defined by the Modesto Municipal Code is prohibited.

ARTICLE 15. HEAVY INDUSTRIAL ZONE (M-2)

SEC. 10-2.1501. PURPOSE AND INTENT.

The purposes of the M-2 zone are:

(a) To implement General Plan policy by permitting areas for heavy industrial use.

(b) To impose procedures and conditions on industrial development to protect adjacent property and the community from environmental pollutants and degradation.

SEC. 10-2.1502. PERMITTED USES.

The following are permitted uses:

- (a) Any permitted and conditional use in the M-1 zone (except for certain dish-type, satellite antennas not otherwise permitted as noted).
- (b) Manufacture, fabrication, processing and treatment of:
 - (1) Large ceramic products (such as bricks or tile).
 - (2) Glass, clay, concrete, stone and related products, excluding rock crushing.
 - (3) Metals and metal products.
 - (4) Natural gas and gas products.
 - (5) Petroleum and petroleum products.
 - (6) Stone monuments and tombstones.
- (c) Railroad repair shop, classification yard.
- (d) Winery.

SEC. 10-2.1503. PLOT PLAN USES.

Subject to plot plan approval by the Board, a dish-type, satellite antenna not meeting the provisions of Section 10-2.1302(v) and not larger than thirteen (13) feet in diameter and not exceeding a height of thirty-five (35) feet at the highest point of the antenna.

SEC. 10-2.1504. CONDITIONAL USES.

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

- (a) Burning operations for lumber and wood products.
- (b) Junk handling, processing, storage.
- (c) Landfill, waste products disposal or transfer station.
- (d) Manufacture, fabrication, processing, packaging and treatment of:
 - (1) Explosives.
 - (2) Oil and grease products.
 - (3) Chemicals and chemical products.

- (e) Rock crushing.
- (f) Pulp and paper mill.
- (g) Reduction, processing and storage of offal, dead animals, bones or similar materials.
- (h) A dish-type, satellite antenna not meeting the provisions of Sections 10-2.1302(v) or 10-2.1303.
- (i) Septic tank, cesspool servicing.
- (j) Stockyard.
- (k) Tannery.
- (l) Vehicle salvage, wrecking.

SEC. 10-2.1505. HEIGHT.

There are no limitations on the height of structures except as contained in the Airport Zone.

SEC. 10-2.1506. FRONT YARD.

Front yards are as required in the C-1 zone.

SEC. 10-2.1507. SIDE AND REAR YARDS.

Side and rear yards are as required in the C-1 zone.

SEC. 10-2.1508. OUTDOOR DISPLAY, SALES AND PROMOTIONS.

Outdoor display, sales and promotions are as permitted in the M-1 zone.

ARTICLE 16. (THERE IS NO ARTICLE 16. THE NEXT ARTICLE IS ARTICLE 17.)

ARTICLE 17. PLANNED DEVELOPMENT ZONE (P-D)

SEC. 10-2.1701. PURPOSE AND INTENT.

The purposes of the P-D zone are:

- (a) To encourage creative and efficient land uses.
- (b) To encourage mixed or multiple use projects.
- (c) To permit variations from the density, height and other standards in the various zones.
- (d) To permit development based on a high standard of performance and design.

SEC. 10-2.1702. APPLICABILITY.

The regulations in this Chapter shall apply in all P-D zones, except that where conflict in regulations occurs, the regulations in this Article shall apply.

SEC. 10-2.1703. PERMITTED USES.

The following are permitted uses:

- (a) Any use specified in the ordinance establishing a P-D zone.
- (b) Condominiums, community apartment projects and stock cooperatives, whether residential or otherwise. These uses are permitted only in a P-D zone.

SEC. 10-2.1704. APPLICATIONS.

- (a) A complete application for a P-D zone shall at a minimum contain:
 - (1) An application form as prescribed by the Director.
 - (2) A development plan and any elevations, perspectives or floor plans necessary for project evaluation as determined by the Director.
 - (3) A development schedule indicating the anticipated dates for start and completion of construction.
 - (4) Other information that the Commission, Council or Director may require for project evaluation.
 - (5) A filing fee as established by the Council.
- (b) All applications for condominiums, community apartment projects and stock cooperatives shall also include a tentative subdivision map.

SEC. 10-2.1705. HEARING PROCEDURE.

All applications for P-D zones shall be processed as zone boundary changes and P-D zones, if adopted, shall become part of the zoning map of the City. The development plan, conditions and development schedule for a P-D zone shall be adopted by resolution.

SEC. 10-2.1706. AREA.

Every P-D zone shall have a minimum area of one (1) acre except in the downtown area bordered by Needham Avenue, Downey Avenue, Burney Street, Grand Street, Morton Boulevard, B Street, Tuolumne Boulevard, Freeway 99 and Kansas Avenue.

SEC. 10-2.1707. CONDITIONS OF APPROVAL.

In granting any P-D zone the Commission and Council may impose conditions deemed necessary or desirable to maintain neighborhood compatibility and to protect the public health, safety or welfare. Examples of conditions are height, signs, lot coverage, yards, density and parking requirements.

SEC. 10-2.1708. DEVELOPMENT SCHEDULE.

In granting any P-D zone the Commission and Council shall include a development schedule. The schedule shall include the dates by which construction shall start and be completed.

SEC. 10-2.1709. CHANGES IN DEVELOPMENT PLAN.

- (a) Changes in a development plan which require a change in the conditions of approval in the Council resolution require Commission approval after a public hearing.
- (b) Changes in a development plan which involve new uses, revisions with significant impact on adjacent property or significant site redesign shall be considered amendments to the P-D zone and processed the same as a zone boundary change.
- (c) Changes in a development plan which do not involve new uses, significant impact on adjacent property or significant site redesign may be approved by the Secretary or referred to the Commission for decision without a public hearing.

SEC. 10-2.1710. CHANGES IN DEVELOPMENT SCHEDULE.

- (a) If there are no changes requested in the conditions of approval in the Council resolution, and the development remains in basic conformance with current standards, the Secretary, upon written request, may grant a single one (1) year extension to the development schedule. Additional extensions may be granted only by the Commission or Council.
- (b) After a development schedule expires, no building permits shall be issued for the P-D zone unless, upon written request, an extension of the schedule is granted by the Secretary, Commission or Council.
- (c) From time to time the Secretary shall review all P-D zones. Those with expired development schedules which have not been completed shall be referred to the Commission. The Commission either may grant an extension to the schedule, upon written request, or shall initiate proceedings to rezone the property to the zone classification which it held immediately prior to being zoned P-D.

SEC. 10-2.1711. REVOCATION.

If conditions of approval have not been complied with, the Commission may initiate proceedings to review the P-D zone and either modify it or rezone the

property to the zone classification which it held immediately prior to being zoned P-D.

SEC. 10-2.1712. DESIGNATION OF P-D ZONING MAP.

Each P-D zone shall be numbered, the first adopted being shown on the zoning map as P-D(1) and each zone subsequently adopted being numbered successively.

ARTICLE 18. AIRPORT ZONE (A-P)

SEC. 10-2.1801. PURPOSE AND INTENT.

The Airport Zone (A-P) regulates and restricts the height of structures and objects of natural growth and otherwise regulates the use of property in the vicinity of the Modesto City-County Airport/Harry Sham Field to serve the public health, safety, and general welfare and to safeguard the utility of the airport and the public investment therein.

SEC. 10-2.1802. DEFINITIONS.

For the purpose of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

- (a) Airport. The Modesto City-County Airport/Harry Sham Field.
- (b) Airport Elevation. The highest point of the airport's usable landing areas.
- (c) Airport Hazard. Any structure, object or natural growth, source of electrical interference, or light source located on or in the vicinity of the airport, or any use of land near the airport, which is in violation of these regulations and which obstructs the airspace required for the flight of aircraft in landing or takeoff or which is otherwise hazardous to such landing or takeoff of aircraft.
- (d) Airport Zone. The land area underneath the approach, transitional, horizontal, and conical surfaces as described in this Article.
- (e) Approved Airport Layout Plan. That certain airport layout plan adopted by Council resolution from time to time and on file in the office of the City Clerk of the City of Modesto.
- (f) Nonprecision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation (avigation) facilities with only horizontal guidance, or area type avigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on the approved airport layout plan. This is the north runway at the airport, but only for aircraft approaching from the west and designated Runway 10L.

- (g) Person. An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity, or a trustee, receiver, assignee, or similar representative of any of the foregoing.
- (h) Precision Instrument Runway. A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on the approved airport layout plan. This is the north runway at the airport but only for aircraft approaching from the east and designated as Runway 28R.
- (i) Primary Surface. The surface longitudinally centered on each runway which extends 200 feet beyond each end of each runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface of a runway shall be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) dated May 1, 1965, as may be amended from time to time.
- (j) Runway. A defined area on the airport prepared for landing and takeoff of aircraft along its length.
- (k) Tree. Any object of natural growth.
- (l) Utility Runway. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less. This is the south runway at the airport designated 10R for aircraft approaching from the west and 28L for aircraft approaching from the east.
- (m) Visual Runway. A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on the approved airport layout plan.

SEC. 10-2.1803. AIRPORT ZONE SURFACES AND HEIGHT LIMITATIONS.

In order to carry out the provisions of this Article, there are hereby created and established certain surfaces, which include the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the airport. Such surfaces are shown on the Modesto City-County Airport Approach and Clear Zone Plan, consisting of one (1) sheet, prepared by the City of Modesto Planning and Community Development Department, and dated January 18, 1977, which is attached hereto. Said map and all notations, references, and other information shown thereon are hereby made a part of this Article. Except as otherwise provided in this Article, no structure or tree shall be erected, altered, allowed to grow, or be maintained in the airport zone created by this Article to a height in excess of the surfaces herein established. An area located beneath more than one (1) of the following surfaces is subject only to the more restrictive height limitation.

- (a) Utility Runway Visual Approach Surfaces. The utility runway visual approach surfaces are located at each end of the primary surface of the south runway. Each surface width is two hundred fifty (250) feet wide where it adjoins the primary surface. These approach surfaces expand outward uniformly from each end of the primary surface to a width of one thousand two hundred fifty (1,250) feet at a horizontal distance of five thousand (5,000) feet, the centerline being the continuation of the centerline of Runway 10R/28L. These approach surfaces slope upward one (1) foot vertically for each twenty (20) feet horizontally, beginning at each end of and at the same elevation as the primary surfaces.
- (b) Nonprecision Instrument Approach Surface. The nonprecision instrument approach surface is located at the west end of the primary surface of the north runway. This approach surface width is one thousand (1,000) feet wide where it adjoins the primary surface. This approach surface expands outward uniformly from the west end of the primary surface to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet, its centerline being the continuation of the centerline of Runway 10L. This approach surface slopes upward one (1) foot vertically for each thirty-four (34) feet horizontally beginning at the end of and at the same elevation as the primary surface.
- (c) Precision Instrument Runway Approach surface is located at the east end of the primary surface of the north runway. This approach surface width is one thousand (1,000) feet wide where it adjoins the primary surface. This approach surface expands outward uniformly from the east end of the primary surface to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet, its centerline being the continuation of the centerline of Runway 28R. This approach surface slopes upward one (1) foot vertically for each fifty (50) feet horizontally beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline; it then slopes ten thousand (10,000) feet along the extended runway centerline; it then slopes upward one (1) foot vertically for each forty (40) feet horizontally to an additional horizontal distance of forty thousand (40,000) feet along the extended runway centerline.
- (d) Transitional Surfaces. The transitional surfaces extend outward from the primary surfaces and the approach surfaces at a ninety (90) degree angle to the runway centerlines to where the transitional surfaces intersect the horizontal surface. The transitional surfaces adjacent to that portion of the precision instrument approach surface beyond the limit of the conical surface, extend a distance of five thousand (5,000) feet measured from the edge of said approach surface at a ninety (90) degree angle to the extended runway centerline. The transitional surfaces slope upward one (1) foot vertically for each seven (7) feet horizontally beginning at the sides of and at the same elevation as the primary surfaces and the approach surfaces.

- (e) Horizontal Surface. The periphery of the horizontal surface is located by swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface of Runway 10L/28R and connecting the adjacent arcs by drawing lines tangent thereto and parallel to the runway centerline. The inner edge of the horizontal surface is defined by its intersection with the transitional surfaces. The horizontal surface is one hundred fifty (150) feet above the airport elevation.
- (f) Conical Surface. The conical surface commences at the periphery of the horizontal surface and extends outward therefrom a horizontal distance of four thousand (4,000) feet. The conical surface slopes upward one (1) foot vertically for each twenty (20) feet horizontally beginning at the periphery of the horizontal surface.
- (g) Exception to Height Limitations. Nothing in this Article shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to thirty-five (35) feet above the land beneath any surface in the airport zone. This exception does not apply to any land over which the City of Modesto owns an avigation easement.

SEC. 10-2.1804. USE RESTRICTIONS.

Notwithstanding any other provisions of this Article, no use may be made of land or water within the airport zone in such a manner as to create electrical interference with avigational signals or with radio communication between the airport and aircraft, to make it difficult for pilots to distinguish between airport lights and others, to result in glare in the eyes of pilots using the airport, to impair visibility in the vicinity of the airport or otherwise in any way to create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.

SEC. 10-2.1805. NONCONFORMING USES.

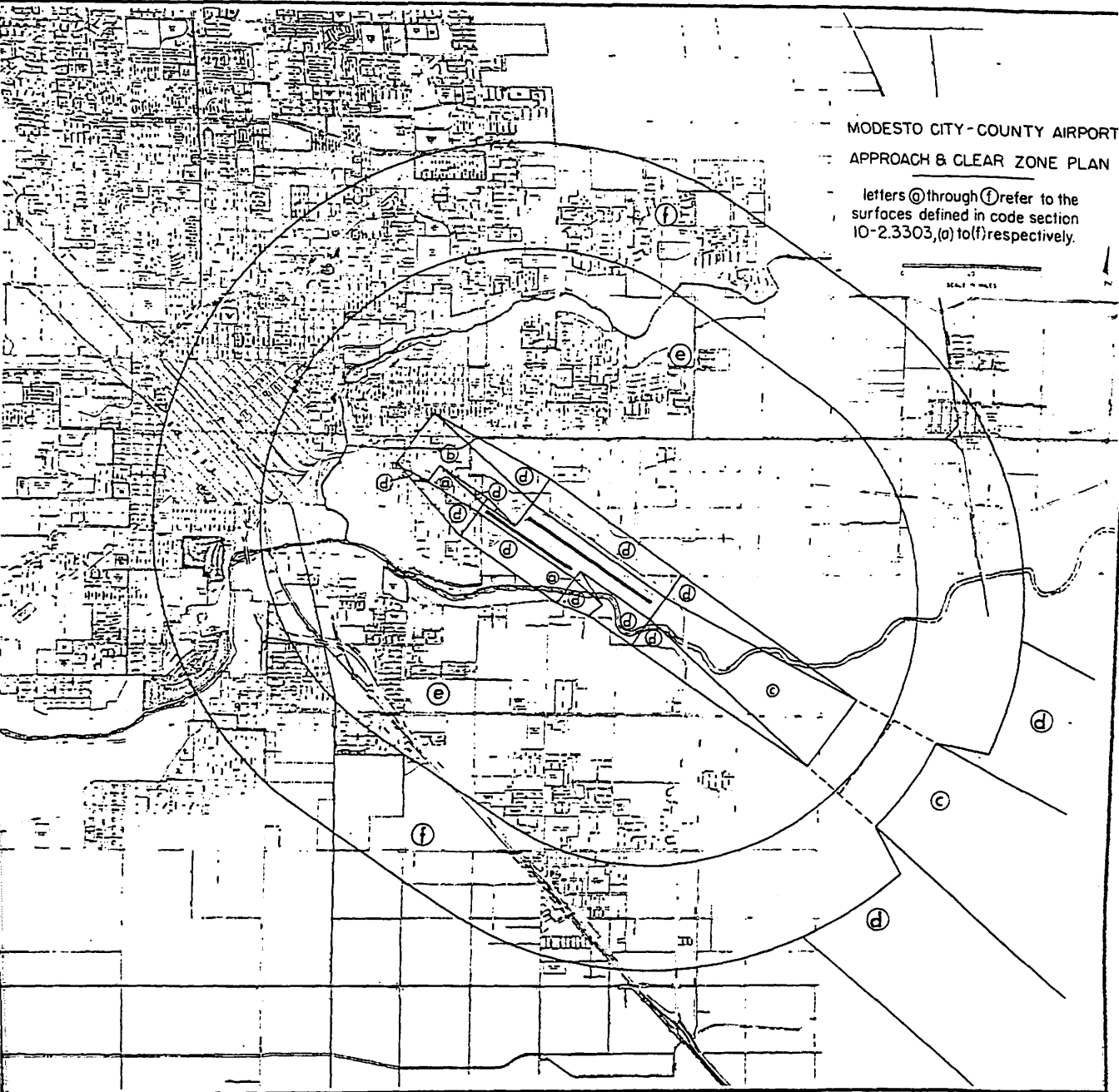
- (a) Regulations Not Retroactive. The regulations prescribed by this Article shall not be construed to require the removal, lowering, or other change or alteration to any structure or tree not conforming to these regulations as of July 1, 1977, or otherwise to interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to said date, if such construction or alteration is diligently pursued.
- (b) Marking and Lighting. Notwithstanding the provisions of subparagraph (a) of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as be deemed necessary by the Airport Manager. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Modesto.

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

MODESTO CITY - COUNTY AIRPORT
APPROACH & CLEAR ZONE PLAN

letters (a) through (f) refer to the
surfaces defined in code section
10-2.3303, (a) to (f) respectively.

SCALE IN FEET



ARTICLE 20. OFF-STREET PARKING REQUIREMENTS

SEC. 10-2.2001. APPLICABILITY.

Every public or private off-street parking area, except those with four (4) or less spaces, shall be developed and maintained in accordance with the following regulations except as follows:

- (a) None of the regulations shall apply to a building which existed on July 7, 1955, except as additional parking demand is created by expansion, reconstruction or change in use. If such a building, though, has off-street parking, the number of spaces shall not be reduced below the requirements of this Article.
- (b) When approving a parking district, the requirement for parking spaces may be waived or reduced by the Council.
- (c) No building existing on the date of adoption shall be nonconforming solely due to noncompliance with these regulations.

SEC. 10-2.2002. NUMBER OF REQUIRED SPACES.

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

(a) Residential Uses.

- (1) Unless otherwise provided below, in projects with one (1) to thirty-six (36) dwelling units, two (2) off-street parking spaces shall be provided for each unit. For each additional unit above thirty-six (36), one and one-half (1.5) spaces per unit shall be provided.
- (2) In the R-1 zone where two (2) dwelling units are permitted upon Board approval, three (3) off-street parking spaces are required for the two (2) units, except on corner lots where four (4) are required if one unit is greater than six hundred forty (640) square feet.
- (3) In a project, for every dwelling unit utilizing private streets or driveways:
 - (aa) An additional one-half (0.5) space is required for each unit with a one (1) car garage.
 - (ab) One (1) additional space is required for each unit with a two (2) car garage.

(4) For the purpose of meeting the requirements in (3) that are greater than those in (1), tandem or driveway standard-size spaces may be counted.

(5) For developments utilizing private streets or driveways, one (1) recreational vehicle parking space shall be provided for every twenty-five (25) dwelling units. For projects with less than twenty-five (25) spaces no such spaces are required. Recreational vehicle spaces shall at a minimum be ten (10) feet wide and twenty-six (26) feet long.

(b) Nonresidential Uses.

(1) Bar - one (1) for each three (3) seats or one (1) for each sixty (60) square feet of drinking area when the number of seats not known or not permanently fixed.

(2) Beauty college - two and one-half (2.5) for each training station.

(3) Bingo game - one (1) for each four (4) seats.

(4) Boarding and lodging house, club or fraternity with sleeping rooms - one (1) for each two (2) beds.

(5) Bowling alley - four (4) for each lane.

(6) Church - one (1) for each four (4) seats in the building with the largest capacity.

(7) Dance hall - one (1) for each fifty (50) square feet of floor area used for dancing.

(8) Hospital - one and three-quarters (1.75) for each bed.

(9) Hotel or motel - one (1) for each guest room. Additional spaces for restaurants, meeting facilities and other related uses shall be provided as required.

(10) Library - one (1) for each three hundred (300) square feet.

(11) Manufacturing or related use - one (1) for each six hundred (600) square feet.

(12) Medical or dental office - one (1) for each two hundred (200) square feet.

(13) Motor vehicle and machinery repair - one (1) for each three hundred (300) square feet.

(14) Mortuary or funeral home - one (1) for each four (4) seats in the largest room used for services (tandem spaces may be counted).

- (15) Office or service business - one (1) for each three hundred (300) square feet.
 - (16) Pool hall - one (1) for each three hundred (300) square feet.
 - (17) Restaurant - one (1) for each three (3) seats or one (1) for each sixty (60) square feet of dining area when the number of seats is not known or not permanently fixed.
 - (18) Retail business - one (1) for each three hundred (300) square feet.
 - (19) Sanitarium, nursing home, home for the elderly or other twenty-four (24) hour care facility - one (1) for each four (4) beds. Additional parking shall be provided as required for a proprietor's dwelling.
 - (20) School for instruction in the arts, athletics, self defense - one (1) for each three hundred (300) square feet.
 - (21) Theatres - one (1) for each four (4) seats.
 - (22) Veterinary hospital - one (1) for each three hundred (300) square feet including animal runs.
 - (23) Warehouse - one (1) for each two thousand (2,000) square feet up to ten thousand (10,000) square feet, one (1) for each five thousand (5,000) square feet after the first ten thousand (10,000) square feet. Parking for a mini-warehouse shall only be required if there is an office or residence included in the project.
 - (24) Wholesale business - one (1) for each three hundred (300) square feet.
- (c) Nonresidential Uses Inside Downtown P-D Zone Area.
- (1) Bar - one (1) for each four (4) seats or one (1) for each sixty (60) square feet of drinking area when the number of seats is not known or not permanently fixed.
 - (2) Beauty college - two and one-half (2.5) for each training station.
 - (3) Bingo game - one (1) for each four (4) seats.
 - (4) Boarding and lodging house, club or fraternity with sleeping rooms - one (1) for each two (2) beds.
 - (5) Bowling alley - four (4) for each lane.
 - (6) Church - One (1) for each five (5) seats in the building with the largest capacity.

- (7) Dance hall - one (1) for each fifty (50) square feet of floor area used for dancing.
- (8) Hospital - one and one-half (1.5) for each bed.
- (9) Hotel or motel - one (1) for each guest room. Additional spaces for restaurants, meeting facilities and other related uses shall be provided as required.
- (10) Library - one (1) for each five hundred (500) square feet.
- (11) Manufacturing or related use - one (1) for each six hundred (600) square feet.
- (12) Medical or dental office - one (1) for each two hundred (200) square feet.
- (13) Motor vehicle and machinery repair - one (1) for each six hundred (600) square feet, with repair space for motor vehicles or machinery not counted as parking spaces.
- (14) Mortuary or funeral home - one (1) for each five (5) seats in the largest room used for services (tandem spaces may be counted).
- (15) Office or service business - one (1) for each five hundred (500) square feet.
- (16) Pool hall - two (2) for each table.
- (17) Restaurant - one (1) for each four (4) seats or one (1) for each sixty (60) square feet of dining area when the number of seats is not known or not permanently fixed.
- (18) Retail business - one (1) for each five hundred (500) square feet.
- (19) Sanitarium, nursing home, home for the elderly or other twenty-four (24) hour care facility - one (1) for each four (4) beds. Additional parking shall be provided as required for a proprietor's dwelling.
- (20) School for instruction in the arts, athletics, self-defense - one (1) for each five hundred (500) square feet.
- (21) Theatres - one (1) for each five (5) seats.
- (22) Veterinary hospital - one (1) for each five hundred (500) square feet including animal runs.
- (23) Warehouse - one (1) for each two thousand (2,000) square feet up to ten thousand (10,000) square feet, one (1) for each five thousand (5,000) square feet after the first ten thousand

(10,000) square feet. Parking for a mini-warehouse shall only be required if there is an office or residence included in the project.

- (24) Wholesale business - one (1) for each eight hundred (800) square feet.
- (d) Additional spaces required by expansion, reconstruction or change in use shall be provided in accordance with this Article.
- (e) When the required number of spaces results in a fractional space, it shall be counted as a space if it is one-half (0.5) space or more.
- (f) When a building is removed, any new building on the site shall have spaces provided in accordance with this Article.
- (g) Where there are mixed uses, the requirement for spaces shall be the sum of the requirements for each use.
- (h) The Board may approve joint use of spaces subject to the following:
- (1) A maximum of fifty (50) percent of the requirement for one use may be provided by the spaces for another use if the two (2) uses are open substantially different hours or days of the week.
 - (2) The parking spaces for both uses comply with all other requirements of this Article.
 - (3) If the properties where the use and the required parking are located are owned by different parties, a covenant shall be recorded by the owner of the parking for the benefit of the City and in a form approved by the City Attorney. The covenant shall stipulate that the parking will be maintained as long as the use requiring it continues. It shall also stipulate that the title and right to use the property where the parking is located is subservient to the title to the property where the use is located and that the property will not be made subject to any other covenant or contract for use without prior consent of the Board.
- (i) When the parking requirement for a use is not listed above, or if the procedure for determining the requirement is not specified, the Board shall determine the applicable requirement or procedure.
- (j) When a parking requirement is based on square footage it shall mean gross square footage.
- (k) When a parking requirement is based on number of seats, number of beds or other similar formula, the number shall be as determined by the Director.

This section applies only to property in the area bounded by Needham Avenue, Downey Avenue, Burney Street, Grand Street, Morton Boulevard, B Street, Tuolumne Boulevard, Freeway 99 and Kansas Avenue.

- (a) All or a portion of the requirement for parking spaces may be satisfied by one (1) of the following:
- (1) A one-time payment to the City, prior to the issuance of a building permit, of an in lieu parking payment as established by Council resolution.

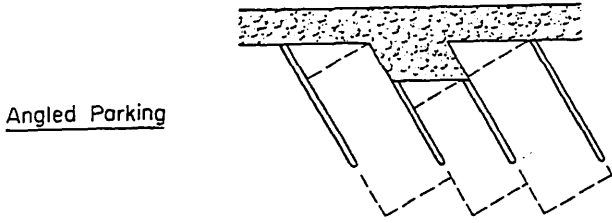
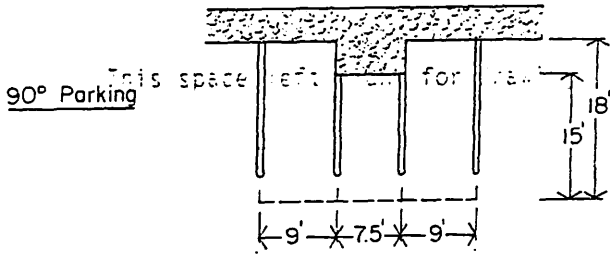
Both one-time and quarterly funds shall be held by the City in a special fund and be used exclusively for acquiring and developing off-street parking facilities located in the area.
 - (2) Quarterly in advance payments to the City of in lieu parking payments based on the cost of operating and maintaining off-street parking in the area, as from time to time established by Council resolution.
- (b) An in lieu parking payment made pursuant to subsection (a)(1) above may be refunded by the City, without interest, to the person who made the payment, or his assignee or designee, if, prior to the date the funds are spent or committed by the City to acquisition or development of off-street parking facilities a written demand for full or partial refund is made and additional off-street parking spaces are provided for the building, other than by the City, so as to satisfy the parking requirement for which the in lieu parking payment was made or the use for which the parking is required is discontinued.
- (c) Quarterly in lieu parking payments made pursuant to subsection (a)(2) above may be terminated upon request in writing at such time as the person who has been making the payments, or his assignee or designee has satisfied the parking requirement for which the payment was made, or the use for which the parking is required is discontinued.
- (d) If subsequent to the payment of in lieu parking payments a parking district is formed:
- (1) Those having made in lieu parking payments under subsection (a)(1) above may receive all or partial credit for having provided required parking spaces as determined at the time assessments are made for the district.
 - (2) Those making, or having made, in lieu parking payments under subsection (a)(2) above shall not receive any credit for having provided required parking spaces in determining assessments for such a parking district. Thereafter such in lieu parking payments shall be terminated.

(3) In no case shall payment of in lieu parking payments under either subsection (a)(1) or (a)(2) above exempt a property from inclusion in parking district.

SEC. 10-2.2004. PARKING LOT DESIGN.

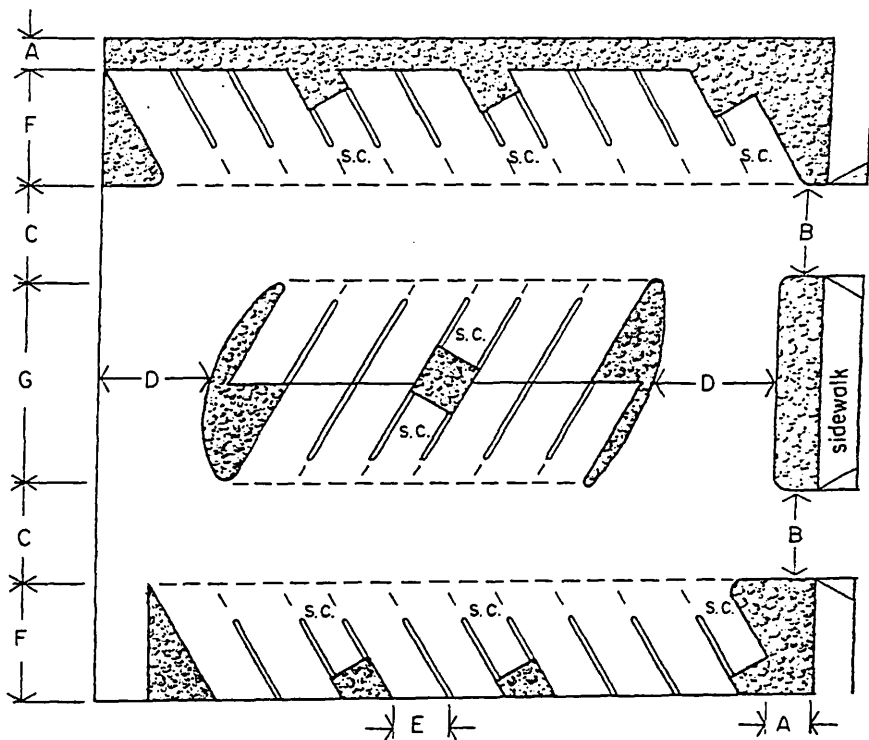
All parking lots or areas shall conform to the following requirements.

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



45° 50° 55° 60° 70° 80° 90°

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



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

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

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

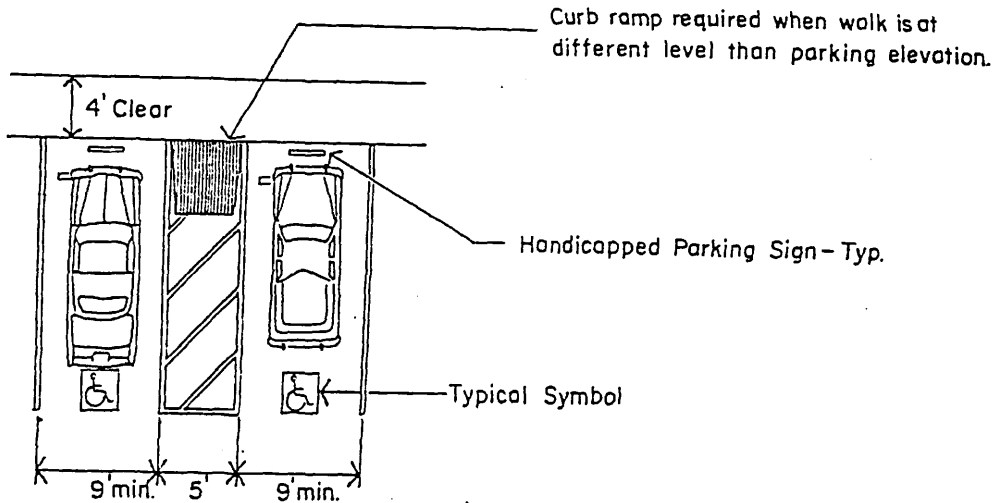
When two (2) rows of spaces use the same aisle for access, requiring two-way traffic because of the layout, the aisle shall either be a minimum of twenty (20) feet in width or that which is called for in the table above, whichever is greater.

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

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

If one (1) space is provided it shall be fourteen (14) feet wide and lined to provide a nine (9) foot wide space and a five (5) foot loading and unloading area. Two (2) spaces can share the

(maximum two and one-half (2.5) foot overhang permitted), the walkway must still have a net clear width of four (4) feet.



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

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

Total Spaces in Lot

No. Spaces

1-40
41-80
81-120
121-160
161-300
301-400
401-500
Over 500

1
2
3
4
5
6
7
1 for each additional
200 spaces

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

(g) Wheelstops. Wheelstops are required as follows:

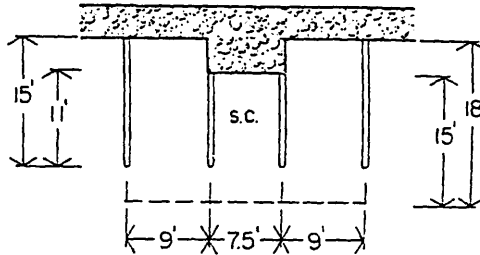
- (1) Every parking space that is not separated by a fence, wall or landscaped area from any alley property line upon which it abuts, shall be provided with a suitable concrete curb or timber barrier not less than six (6) inches in height. The curb or barrier shall be located not less than two and one-half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

SEC. 10-2.2005. IMPROVEMENT STANDARDS.

The following improvement standards are applicable to all parking areas except temporary downtown parking lots.

- (a) Surface of Parking Area. Parking areas shall be paved with a minimum of two (2) inches of asphalt concrete surfacing and be graded and designed as to dispose of all surface water in accordance with requirements of the City Engineer.
- (b) Striping of Parking Area. All parking areas of five (5) or more spaces shall be marked by either striping or buttons to delineate spaces.

The spaces shall be double striped as shown in the diagram. Painted line width shall be four (4) inches. If buttons are used they shall be three and one-half (3-1/2) to four (4) inches in diameter, spaced no more than three (3) feet on center. The lines shall be laid parallel to, and one (1) foot within each stall, fifteen (15) feet in length for a full sized space and eleven (11) feet in length for a small car space, not including the semicircular cap.



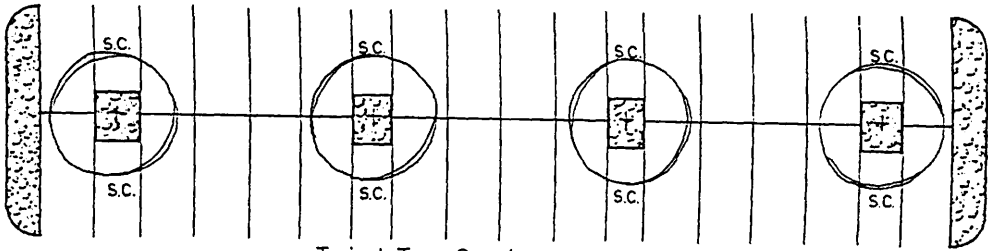
- (c) Lighting. All parking areas of five (5) or more spaces shall have an average of one-half (0.5) foot-candle illumination per square foot of parking area for better visibility and security during darkness. The illumination shall be uniformly distributed over the parking area. Wiring for illumination shall be underground unless existing overhead lines can serve the need without any additional overhead lines. Lights provided to illuminate a parking area shall be arranged so as to reflect the light away from any area upon which a dwelling is located.

SEC. 10-2.2006. LANDSCAPING.

All parking areas shall be landscaped as follows:

- (a) Along all portions of a parking area that abut a street there shall be a minimum forty (40) inch wide planter with landscaping which provides an average screen a minimum of three (3) feet and a maximum of four (4) feet in height. The screening may be accomplished solely by landscaping or in conjunction with a decorative masonry wall. The screening shall conform with the clear vision triangle regulations.

(b) In the interior of a parking area there shall be landscaped planters with one (1) deciduous shade tree planted for every ten (10) spaces. These planters shall be distributed throughout the area to shade spaces on as uniform a basis as practical during summer months. For parking areas with only one aisle the trees may be planted along the periphery.



Typical Tree Spacing

SEC. 10-2.2007. PLANS REQUIRED.

Plans for all parking areas shall be submitted to the Chief Building Official for approval. The plans shall clearly indicate the location and design of the area including surfacing, lighting, drainage and landscaping.

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

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

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

SEC. 10-2.2009. TEMPORARY PARKING LOTS DOWNTOWN.

(a) Modified Standards. If an off-street parking area meets the qualifications set forth below, the following modifications in standards may be made, subject to approval by the Planning Commission:

- (1) The minimum width of each parking space shall be eight (8) feet, four (4) inches.

- (2) The turnaround or end driveway width shall be a minimum of thirteen (13) feet.
 - (3) The surface may be a sand-asphalt pavement.
 - (4) Storm drainage to be approved by the City Engineer may allow up to one-half of the parking area to drain across the adjacent sidewalks with the balance permitted to drain to an adjacent alley.
 - (5) No landscaping is required.
- (b) Qualifications. To qualify as a temporary parking lot downtown, all of the following conditions shall be met:
- (1) The property shall be entirely within the Downtown P-D zone area.
 - (2) None of the spaces shall be required by this Code, including but not limited to joint use parking by covenant and common parking.
 - (3) The maximum term shall be five (5) years from date of issuance of a building permit for the temporary parking lot.
- (c) Plot Plan. The applicant shall provide a complete plot plan to assist the evaluation of the proposed lot. The plot plan shall include but not be limited to:
- (1) The location of all proposed buildings, facilities and open space.
 - (2) The location of on-site vehicular and pedestrian circulation.
 - (3) The location of all off-street parking.
 - (4) The location of all land to be dedicated to or reserved for public use.
 - (5) The location and extent of street improvements as determined in consultation with the City Engineer.
 - (6) All dimensions pertinent to any requirement of the Municipal Code.
- (d) Time Extension. A maximum five (5) years additional use of a temporary parking lot may be granted for good and sufficient reasons by the Commission after four (4) years of use.

SEC. 10-2.2101. PURPOSE.

The purpose of these sign regulations is to provide minimum standards to safeguard life, health, property and public welfare in keeping with the character of the City of Modesto by regulating and controlling the size, height, structural design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures and to accomplish the following results:

- (a) To protect and enhance the character of residential neighborhoods and property values by prohibiting obtrusive and incompatible signs; and
- (b) To promote and maintain healthy commercial centers and property values, to effectively communicate the nature of goods and services, and to avoid wasteful, ugly and unsightly competition in signs; and
- (c) To provide a reasonable and comprehensive system of controls of signs; and
- (d) To encourage signs which are well designed and pleasing in appearance, and to provide incentive and latitude for variety, good design relationship, spacing and location; and
- (e) To encourage a desirable urban character which has a minimum of overhead clutter; and
- (f) To attract and direct persons to various activities and enterprises in order to provide for the maximum public convenience; and
- (g) To enhance the economic value of the community and each area of it through the regulation of size, location, design and illumination of signs.

SEC. 10-2.2102. DEFINITIONS.

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

continuous perimeter enclosing the extreme limits of all elements such as boards or frames, perforated or solid backgrounds, ornamental embellishments, writings, representations, emblems or any figures or similar characters, including any spires, masts, shafts or similar projections, but excluding the necessary supports or uprights on which such sign is placed.



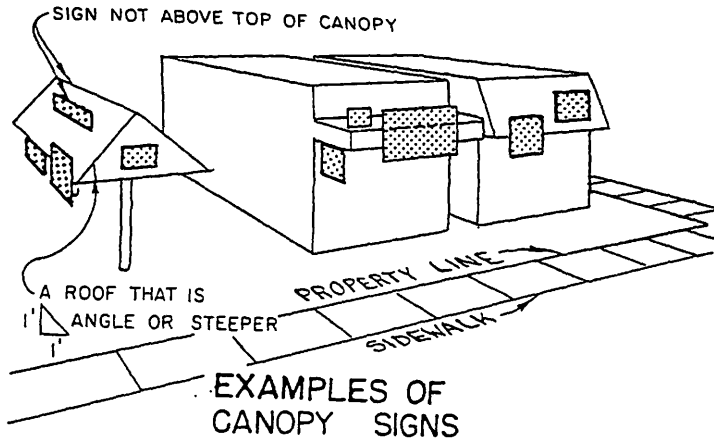
EXAMPLES OF SIGN AREA

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

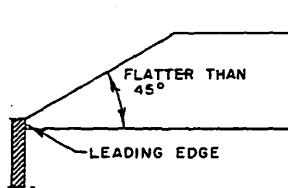
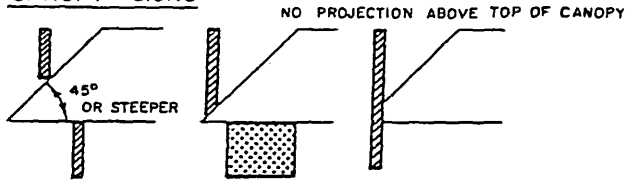
- (b) "Bench Sign" shall mean a City-franchised bus bench located outdoors with advertising matter thereon.
- (c) "Bulletin Board" shall mean a sign used to announce a coming event or attraction or used to convey a specific message related to the building or use of the property on which the bulletin board is located. In all zones, bulletin boards, which are displayed so as to be viewed from a public street, highway, parking lot, walkway or mall shall be subject to the sign regulations of the zone in which the building or property is located.
- (d) "Canopy" shall mean a roof of a building or a fixed overhead shelter used as a roof, which may or may not be attached to a building and which does not encroach into nor overhang a public street or alley right-of-way.
- (e) "Canopy Sign" shall mean a sign attached to or hung from a canopy and which:

- 1) is mounted in a vertical plane.
- 2) is mounted parallel to the leading edge of a canopy except for an under canopy sign which may be mounted at an angle to the leading edge of a canopy.
- 3) does not project above the top of the canopy when mounted on a canopy with a slope of forty-five (45) degrees (one [1] horizontal to one [1] vertical) or steeper, and which may be mounted anywhere on the slope.
- 4) does not project above the leading edge of the canopy when mounted on a canopy with a slope flatter than forty-five (45) degrees.

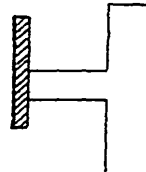
One that canopy the sign...
canopy but does not project higher than the wall of the building to which the canopy is attached.



CANOPY SIGNS



NO PROJECTION ABOVE RIDGE-LINE



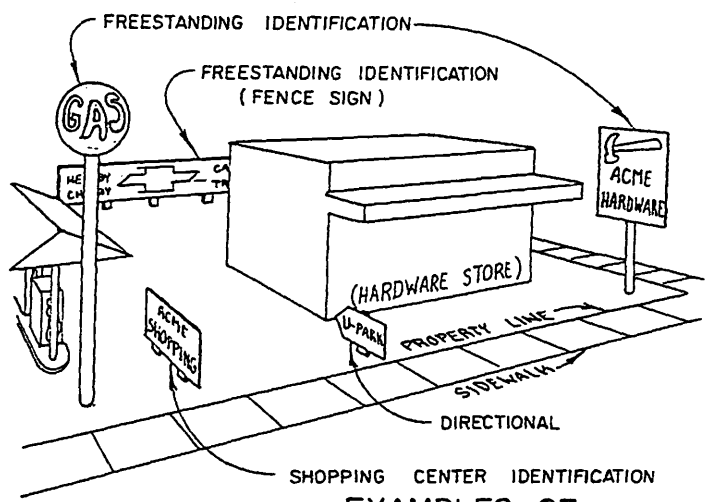
MARQUEE SIGNS

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

SIGNS ON CANOPIES, ROOFS, MARQUEES

architects, engineers, contractors, subcontractors and financing agencies of buildings and structures being constructed upon the premises on which the sign is located.

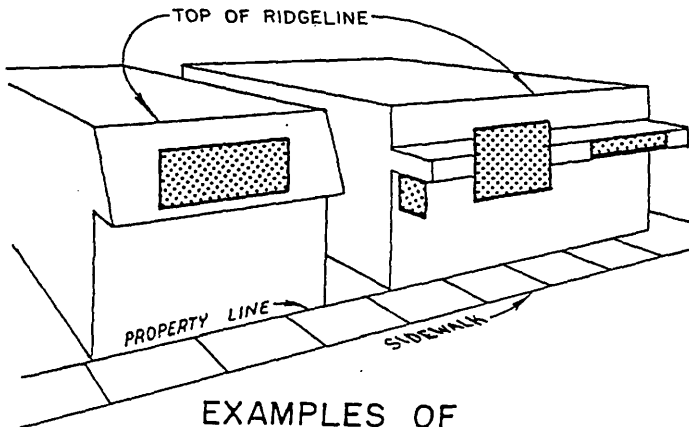
- (g) "Corporate Flag" shall mean a flag identifying a business or firm.
- (h) "Directional Sign" shall mean one of two (2) types of signs. An exterior directional sign shall mean a sign oriented to a street and used to direct and control pedestrian or vehicular traffic and located on the same lot or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



EXAMPLES OF
FREESTANDING SIGNS

- (k) "Garage Sale Sign" shall mean a sign which is used to advertise the sale of used or secondhand goods or merchandise at dwellings and on residentially zoned property; such sales are also commonly known as patio sales, yard sales, etc.
- (l) "Height" shall mean the vertical distance from the highest point used in measuring the area of a sign to the top of curb of the street at a point which is closest to the highest point of the sign.
- (m) "Hot Air Balloon" shall mean a balloon that is filled with heated air, has a gondola, and is capable of rising and floating in the atmosphere with people aboard.
- (n) "Identification Sign" shall mean any sign which is used to identify or advertise the occupant of a building, lot or premises or the merchandise or activity available at the building, lot or premises where the sign is located.
- (o) "Lighted Sign" shall mean any sign which is illuminated either directly or indirectly by artificial light.
- (p) "Marquee" shall mean a fixed overhead shelter used as a roof, which may or may not be attached to a building, and which projects into or overhangs a public street or alley right-of-way.
- (q) "Marquee Sign" shall mean a sign attached to or hung from a marquee and which:
- (1) Is mounted in a vertical plane.
 - (2) Is mounted parallel to the leading edge of a marquee, except for an under marquee sign which may be mounted at an angle to the leading edge of a marquee.

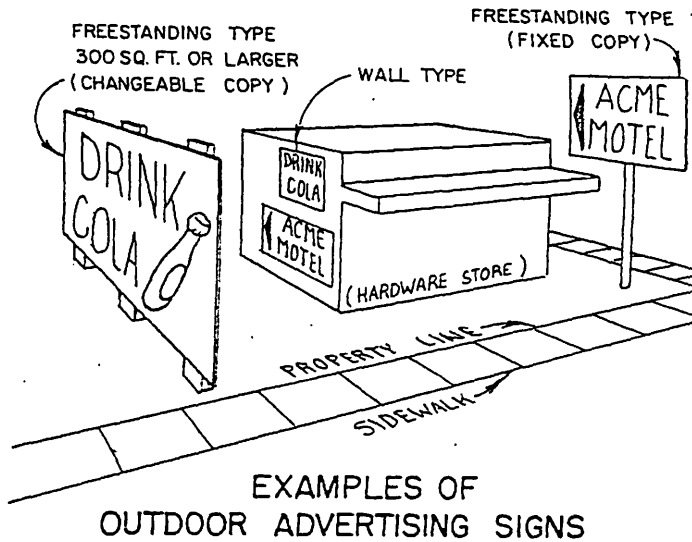
- (3) Does not project higher than the wall of the building to which the marquee is attached.



EXAMPLES OF
MARQUEE SIGNS

- (r) "Open House Directional Sign" shall mean a sign with the words "Open House" and may include an arrow or other directional symbol and real estate office name.
- (s) "Outdoor Advertising Sign" shall mean any of the following:
- (1) Commercial: Any sign, excepting a bench sign, that directs attention to a business, profession, product, commodity, or mercantile-oriented service that is not the primary business, profession, product, commodity or mercantile-oriented service sold, manufactured, conducted, or offered on the site on which the sign is located.

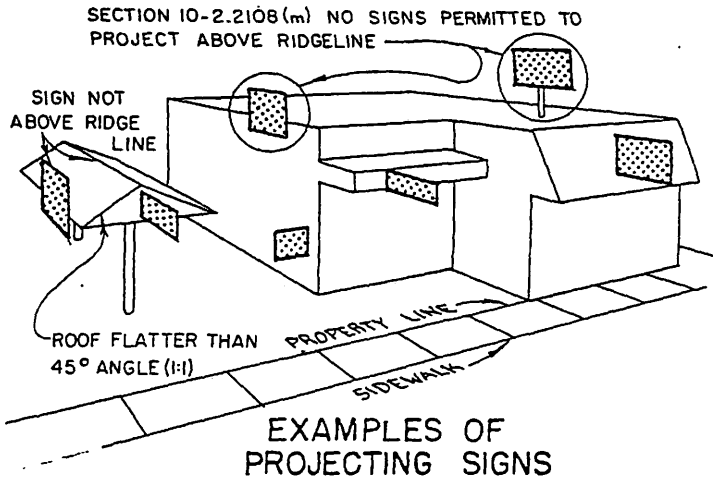
- (2) Noncommercial: Any sign, excepting a bench sign, which does not direct attention to a business, profession, product, commodity or mercantile-oriented service. This includes but is not limited to any sign expressing a personal, political, religious or social message, idea or point of view.



EXAMPLES OF
OUTDOOR ADVERTISING SIGNS

- (t) "Political Sign" shall mean any impermanent sign or advertising device or display, with or without letters, words, numbers or figures thereon, which is designed to advertise a candidate for political office, a political party, or a measure scheduled for an election.
- (u) "Principal Frontage" shall mean that wall of a building or structure which has frontage on a public street, highway, parking lot, walkway or mall and which is designated by the owner or occupant thereof as the principal frontage of said building or structure for the purposes of Section 10-2.2110(a)(4) of these regulations.
- (v) "Projecting Sign" shall mean any of the following:
- (1) Any sign attached to and projecting from the face of a wall, canopy, or marquee.

- (2) Any sign mounted on a canopy roof or building roof that has a slope flatter than a forty-five (45) degree angle (one [1] horizontal to one [1] vertical).



- (w) "Ridgeline" shall mean the peak of the roof, the top of a parapet, or the top of the wall of a building.
- (x) "Sign" shall mean any structure, device, letter, figure, character, poster, picture, trademark or reading matter which is used or designed to announce, declare, demonstrate, display or otherwise identify or advertise, or attract the attention of the public. However, a sign shall not include the following:
- (1) Official notices authorized by a court, public body or public officer.
 - (2) Directional, warning or informational signs authorized by federal, state or municipal authority or public utility.
 - (3) A properly displayed official flag of a government, school, religious group, or nonprofit organization.
 - (4) A memorial plaque, tablet or cornerstone indicating the name of a building and date of construction, when cut or carved into any masonry surface or when made of bronze or other incombustible material and made an integral part of the building or structure, not to exceed four (4) square feet in area.

(5) Signs within a building except window or wall signs as hereinafter defined.

(6) Christmas decorations and Christmas lights, from November 15 to January 15.

(7) Hot Air Balloon.

(y) "Subdivision Sign" shall mean a sign indicating the name of a recorded subdivision, the name of the contractor or subdivider, the name of the owner or agent, and/or giving information regarding directions, price and/or terms.

(z) "Subdivision Directional Sign" shall mean a sign indicating the name of a recorded subdivision and information regarding location. The name of the contractor or subdivider, the name of the owner or agent and/or information regarding price and/or terms may also be noted.

(aa) "Temporary Sign" shall mean any banner, pennant, valance, balloon, streamer, placard, "A" frame, sandwich board or similar impermanent sign or advertising device or display with or without letters, words, numbers or figures thereon which directs, promotes service or price, or which is otherwise designed to attract attention, except for the following:

(1) For Sale or Rent Sign.

(2) Garage Sale Sign.

(3) Open House Directional Sign.

(4) Political Sign.

(5) Signs for fireworks stands, pumpkin sales, Christmas tree sales lots, and temporary certified farmers markets.

(6) Window Sign.

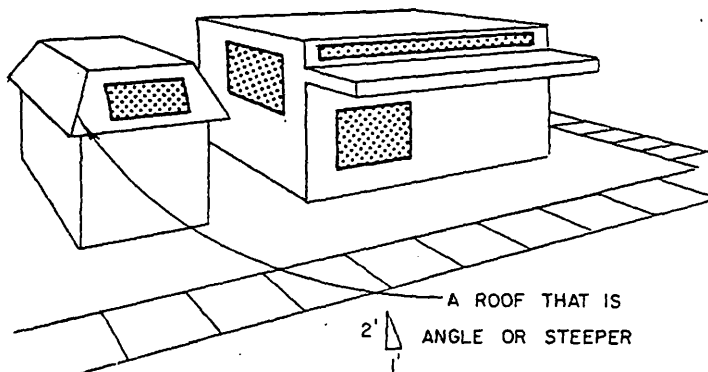
(7) Corporate Flag.

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

(ab) "Wall" shall mean any wall or element of a wall or any member or group of members, which defines the exterior boundaries or courts of a building or structure and which has a slope steeper than one (1) horizontal to two (2) vertical, with the horizontal plane.

(ac) "Wall Sign" shall mean any sign painted on, attached to or erected against the wall of a building with the exposed face of the sign in a place approximately parallel to the plane of the wall and which

does not project beyond the top or ends of the wall. "Wall Sign" shall also mean any sign permanently displayed on the inside or outside of a window.



EXAMPLES OF
WALL SIGNS

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

SEC. 10-2.2103. ADMINISTRATION.

- (a) Duty to Enforce. It is the duty of the Chief Building Official and the Director 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 and the Director 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) Name Plate, one (1) square foot maximum size.
- (6) Open House Directional Sign.
- (7) Political signs permitted by Sections 10-2.2109 or 10-2.2110 of these sign regulations.
- (8) Signs for Fireworks Stands, Pumpkin Sales, Christmas Tree Sales lots, and temporary certified farmers markets.
- (9) Subdivision Directional Sign.
- (10) Corporate Flag.
- (11) Bench Sign.

Noncommercial outdoor advertising signs, as defined in Section 10-2.2102(s)(2), are required to obtain a permit, but shall not be required to pay permit fees. Such signs shall meet all other requirements of this article.

(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 thereto 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.
- (4) Location of the building, structure, or lot to which or upon which the sign is to be attached, erected, or painted.
- (5) Two (2) copies of a plan showing:
- (aa) The position of the sign in relation to adjacent buildings or structures.
 - (ab) The design and size, structural details and calculations, and proposed location on the premises of such signs.
 - (ac) A statement showing the type, size, and dimensions of all signs existing on the premises at the time of making such application.
 - (ad) For canopy or wall signs, a statement designating the principal frontage of the building or structure upon which the sign is to be located.
- (6) Such other information as the Chief Building Official shall require to show full compliance with this article and all other laws and ordinances of the City of Modesto.
- (7) The Chief Building Official may waive the requirement for plans to be filed for small signs, and for a previously approved standard plan for sign supports provided the application is otherwise in compliance with conditions of approval of the standard plan.
- (f) Permit Issued If Application In Order. It shall be the duty of the Chief Building Official and Director, upon the filing of an application for a sign permit, to investigate the application, and if it shall appear that the proposed sign is in compliance with all the requirements of this article and all other laws and ordinances of the City, the Chief Building Official shall then issue the sign permit. If the work authorized under a sign permit has not been completed within one hundred twenty (120) days after date of issuance, the permit shall become null and void.
- (g) Signs Falling Within Definition of One or More Type Signs. Whenever any sign, as defined in this article, falls entirely within the definitions of one or more type signs, it shall be subject to the provisions of the most restrictive category.
- (h) Permit Issued in Error. If a sign permit is issued in error by the Chief Building Official and the sign does not comply with all of the requirements of this article and all other laws and ordinances of the City, the sign permit shall be null and void and no rights or privileges shall be conferred upon the permittee by said permit. The Chief Building Official shall include or cause to be included on

the sign permit for all signs a notice that the issuance of the permit does not grant any right or privilege to erect or install any sign which is in violation of this article or of any other laws or ordinances of the City.

- (i) Permit Fees. Each application for a sign for which a permit is required by this article and each application for a change of copy of an existing sign shall be accompanied by a sign permit fee as established by City Council resolution from time to time.

The required fees shall be doubled for any sign erected or painted prior to the securing of a sign permit when a sign permit is required.

- (j) Maintenance of Signs. The owner of any sign as defined and regulated by this article, including supporting structures, shall keep the same in a presentable condition at all times. All painted signs and all supporting structures of any sign shall be repainted to keep them in good condition whenever such action is requested in writing by the Chief Building Official or the Director.

- (k) Unsafe and Unlawful Signs. If the Chief Building Official or the Director shall find that any sign regulated herein is unsafe or insecure, or is a menace to the public, or is in a dilapidated, decayed, or neglected state, or has been constructed, erected, or painted or is being maintained in violation of the provisions of this article, he shall give written notice to the permittee or owner thereof. If the permittee or owner fails to remove or alter the structure or sign so as to comply with the standards herein set forth within ten (10) days after such notice, or within three (3) days for temporary signs, such sign may be removed or altered to comply by the Chief Building Official or the Director and any expense incidental thereto shall be paid by the permittee or owner of the property upon which it is located. No permit shall be issued thereafter to any permittee or owner who has not paid the costs so assessed. The Chief Building Official may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.

- (l) Removal of the Copy of Certain Signs. The copy of any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product available for purchase by the public, shall be taken down, removed, painted over, or covered as approved by the Chief Building Official or the Director, by the owner, agent, or person having the beneficial use of the building, structure, or premises upon which such sign may be found. This action shall occur within ten (10) days after written notification from the Chief Building Official or the Director. Upon failure to comply with such notice within the time specified in such order, the Chief Building Official or Director is hereby authorized to take down, remove, paint over, or cover such sign or sign copy, or to cause such action to be taken. Any expense incidental thereto shall be paid by the

owner of the building or structure to which such sign is attached, or by the owner of said sign.

SEC. 10-2.2104. SIGN VARIANCES.

Except for height, length, and area limitations, and the types of signs allowed in specific zones, the Board may grant variances from the provisions of this article in accordance with the provisions of Article 25 of Chapter 2 of Title X of this Code.

SEC. 10-2.2105. APPEALS.

Any person aggrieved or affected by any decision of an administrative official of the City which involves the application of any of the provisions of this article may appeal such decision to the Board in accordance with the provisions of Article 28 of Chapter 2 of Title X of this Code.

SEC. 10-2.2106. STATUS AFTER ANNEXATION OF COMMERCIAL SIGN RESTRICTIONS IMPOSED BY STANISLAUS COUNTY.

Whenever territory is annexed to the City of Modesto and within said territory there are located signs which have had restrictions or limitations imposed thereon by the County of Stanislaus, and said restrictions or limitations are more restrictive than those imposed by this article, said restrictions or limitations, after annexation, shall apply in and be enforced by the City of Modesto.

SEC. 10-2.2107. NONCONFORMING SIGNS: DEFINITIONS, REMOVAL, ALTERATION OR REPLACEMENT.

- (a) For the purpose of this article, a "nonconforming sign" is a sign which does not conform with the provisions of this article, but which:
- (1) 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;
 - (2) 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;
 - (3) 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
 - (4) 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.
- (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 annexed to the City.	Three (3) calendar months from date of annexation to the City of Modesto.
(2) Rotating, moving, flashing, changing or blinking portions of signs:	
(aa) Time and temperature signs.	Excepted, no abatement necessary if sign otherwise conforms.
(ab) Conventional clock.	Excepted, no abatement necessary if sign otherwise conforms.
Description of Sign	Abatement Schedule
(ac) Rotating signs, the stopping of the rotating portion of which would substantially destroy the utility of the sign, that are annexed to the City.	Three (3) years from annexation to the City of Modesto.

~~(ad) All others annexed to the City.~~

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

(3) 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.

Description of Sign

Abatement Schedule

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

The Board 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.

(5) Motor fuel price signs per Section 10-2.2110(a)(15).

By March 1, 1985.

(6) All signs on nonconforming uses or nonconforming buildings shall conform to the sign regulations of the most restrictive zone in which the nonconforming use or nonconforming building would first be permitted:

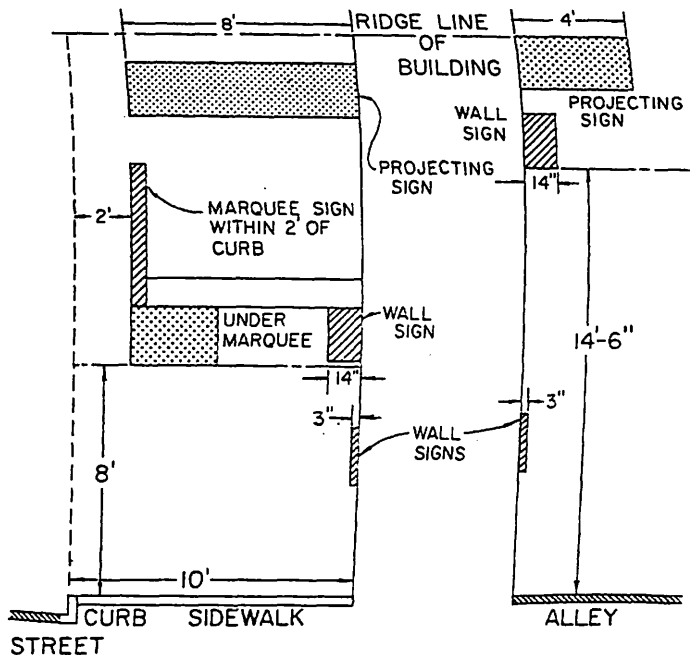
(aa) Signs conforming.

When the nonconforming use or nonconforming building is terminated.

(ab) Signs not conforming.

By January 1, 1987.

- (a) Height Limitation. The maximum height of any sign shall be as stated herein, but in no case shall a sign exceed thirty-five (35) feet in height, except for freestanding signs along Freeway 99 permitted by Section 10-2.2110(a)(3)(ab) and Section 10-2.2110(b)(3)(ab).
- (b) Rotating, Moving, Flashing, Changing or Blinking Signs. No sign shall have or consist of any moving, rotating or otherwise animated part or any flashing, blinking, fluctuating or otherwise animated light. The provisions of this subsection shall not be applied so as to prohibit the following types of signs:
 - (1) A conventional clock face.
 - (2) A sign showing digital time with changes in time not more often than once a minute.
 - (3) A sign showing digital temperature with changes in temperature only when there is a rise or fall of one (1) degree or more. Changes from Fahrenheit readings to Centigrade readings shall occur not more frequently than five (5)-second intervals.
 - (4) A sign showing time and temperature subject to changes not more frequently than at five (5)-second intervals.
 - (5) An on-premises barber pole of a length not to exceed thirty (30) inches of traditional design which shall be permitted to revolve during the time that a barbershop is open for business. Said sign shall not exceed ten (10) feet in height.
- (c) Projections. All signs, if otherwise authorized, are permitted to project into required front, side and rear yards. The permitted projection of an authorized sign into any street or alley right-of-way is as follows:
 - (1) Freestanding sign: No projection.
 - (2) Wall sign: Up to fourteen (14) inches in thickness.
 - (3) Marquee sign: Not closer than two (2) feet from the face of the curb.
 - (4) Projecting sign: Up to eight (8) feet into any street right-of-way and up to four (4) feet into any alley right-of-way, but not closer than two (2) feet from the face of the curb.



PROJECTION OF SIGNS INTO STREET AND ALLEY RIGHT-OF-WAY

- (d) Vertical Clearance. No sign shall be less than eight (8) feet above a public or private sidewalk or fourteen and one-half (14.5) feet above ground level in areas open to vehicular traffic except wall signs not exceeding three (3) inches in thickness.
- (e) Obstructions to Doors, Windows or Fire Escapes. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window, fire escape or exit way.
- (f) Construction Standards. All signs, including all parts, portions, units and material comprising the same, together with the frames, backgrounds, supports and anchorage therefor shall be manufactured, fabricated, assembled, constructed and erected in accordance with applicable Building, Electrical and Fire Prevention Codes of the City of Modesto.
- (g) Illuminated Signs. Any illuminated sign or lighting device shall employ only lights emitting a light of constant intensity; and no sign shall be illuminated by or contain flashing intermittent, rotating or moving light or lights. In no event shall an illuminated sign or lighting device be so placed or directed so as to permit the beams and illumination therefrom to be directed or

beamed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

- (h) Signs Not to Constitute Vehicular Traffic Hazard. No sign, as regulated in this article, shall be erected at the intersection of any street, or at any railroad grade crossing, or at any driveway in such a manner as to obstruct free and clear vision of operators of motor vehicles, or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "STOP", "DANGER", or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse motorists.
- (i) Sign Company Identification. It shall be unlawful for any person to change copy on or to erect, alter, or relocate any sign without printing or causing to be printed in the lower right-hand corner of the sign in clearly legible letters the name of the person, firm or company doing such work, the date of such work, and the City of Modesto building permit number. Said information shall not exceed sixteen (16) square inches in area. If said information is not printed in the lower right-hand corner of a sign, the Chief Building Official may remove the sign pursuant to the provisions of Section 10-2.2103(k) of this article.
- (j) Temporary Signs. It shall be unlawful for any person to erect, install or maintain any temporary sign.
- (k) Bench Signs. It shall be unlawful for any person to erect, install or maintain any bench sign, except on public property pursuant to a franchise granted by the City of Modesto.
- (l) Wall Signs, Additional Standards. No wall sign shall exceed fourteen (14) inches in thickness; no display or messages shall be permitted on the edges of wall signs except the sign company's identification as required by paragraph (i) of this section.
- (m) Ridgeline Limitation. A wall, canopy, marquee or projecting sign shall not project above the ridgeline of the building on which the sign is mounted.
- (n) Building Outlining. Outlining of a building or its roof by means of permanent lighting by exposed neon tubing, exposed incandescent lighting or other artificial lighting, or an equivalent effect, is prohibited. "Outlining" means delineation, with a row or band of lights, of the edges of a roof or wall surface. This provision does not prohibit floodlighting or generally illuminating buildings and their roofs nor temporary Christmas displays.
- (o) No Signs on Street Trees, Utility Poles or Structure in Street Right-of-Way. No signs will be attached to any city street tree, or any poles such as utility poles, street signals, street lights, street name signs, or traffic warning signs, or on any bus shelter.

SEC. 10-2-2109. SPECIFIC REQUIREMENTS FOR TYPE, AREA, AND HEIGHT OF SIGNS IN THE R-1, R-2, R-3 AND P-O 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 R-1, R-2 and R-3 Zones, the following signs are permitted, except as otherwise stated:
 - (1) One (1) unlighted for sale or rent sign per street frontage, not exceeding eight (8) square feet in area and six (6) feet in height.
 - (2) Three (3) unlighted open house directional signs, each not exceeding three (3) square feet in area and forty-two (42) inches in height, which shall be permitted during daylight hours only, for each house or group of houses offered for sale by the same realtor at the same general location, provided they do not bear any advertising message other than the real estate office name, and that such signs are located wholly on private property with permission of the property owner on whose property they are located.
 - (3) One (1) wall mounted name plate not exceeding one (1) square foot in area.
 - (4) For uses permitted by conditional use permits additional signing as follows:
 - (aa) One (1) bulletin board or identification sign not exceeding twenty-five (25) square feet in area and six (6) feet in height.
 - (ab) Canopy and wall identification signs limited to one-half (0.5) square foot in combined sign area for each lineal foot of any wall, and not exceeding thirty-five (35) feet in height. Canopy and wall identification signs may have external illumination only; no internal illumination shall be permitted.
 - (5) One (1) construction sign not exceeding twenty (20) square feet in area and six (6) feet in height, provided that such sign shall be removed not later than thirty (30) days after construction is completed.
 - (6) One (1) subdivision sign not exceeding sixty-four (64) square feet in area and ten (10) feet in height for each recorded subdivision provided that such sign shall be removed not later than three (3) years from the recording date of the subdivision, except as follows:

- (aa) ~~Where building permits have been taken out for more than one-half (0.5), but less than sixty-five (65) percent, of the lots in such subdivision at the end of said three (3) year period, such sign may remain for an additional one (1) year period.~~
- (ab) Where building permits have been taken out for one-half (0.5) or less of the lots in such subdivision at the end of said three (3) year period, such sign may remain for an additional two (2) year period.
- (7) Unlighted subdivision directional signs not exceeding sixteen (16) square feet in area and six (6) feet in height for each recorded subdivision as follows:
- (aa) When the boundaries of any recorded subdivision, or any part thereof abut a major street or expressway, one (1) subdivision directional sign shall be permitted, which sign may be located on any vacant lot or parcel which is owned by the subdivision owner.
- (ab) When the boundaries of any recorded subdivision or any part thereof do not abut a major street or expressway but include or abut a collector street which directly connects to a major street or expressway, two (2) subdivision directional signs are permitted, which signs may be located as follows:
- (i) One (1) such sign may be located on property not owned by the subdivision owner.
- (ii) One (1) or both signs may be located only on property owned by the subdivision owner.
- (ac) When the boundaries of any recorded subdivision or any part thereof, do not abut a major street or expressway and do not include or abut a collector street which directly connects to a major street or expressway, three (3) subdivision directional signs are permitted, which signs may be located as follows:
- (i) One (1) such sign may be located on property not owned by the subdivision owner.
- (ii) Any other or all signs may be located only on property owned by the subdivision owner.
- (ad) Such signs shall be removed not later than three (3) years from the recording date of the subdivision, except as follows:
- (i) Where building permits have been taken out for more than one-half (0.5), but less than sixty-five (65)

percent, of the lots in such subdivision at the end of said three (3) year period, such signs may remain for an additional one (1) year period.

- (ii) Where building permits have been taken out for one-half (0.5) or less of the lots in such subdivision at the end of said three (3) year period, such signs may remain for an additional two (2) year period.
- (8) Political signs which may be erected, maintained and displayed as follows:
- (aa) On lots or parcels upon which there is located a residential structure, except that:
 - (i) The area of each such sign shall not exceed six (6) square feet.
 - (ii) The overall height shall not exceed six (6) feet.
 - (iii) The combined area of all such signs shall not exceed sixty (60) square feet.
 - (ab) On lots or parcels upon which there is not located a residential structure, except that:
 - (i) The area of each such sign shall not exceed thirty-two (32) square feet.
 - (ii) The overall height of each such sign shall not exceed ten (10) feet.
 - (iii) The combined area of all such signs shall not exceed one hundred (100) square feet.
 - (ac) Political signs shall not be lighted either directly or indirectly.
 - (ad) Political signs shall be erected no more than sixty (60) days prior to the date of election.
 - (ae) Political signs shall be removed within ten (10) days after the date of the election.
- (9) Temporary signs are not permitted.
- (10) Window signs are not permitted.
- (11) Outdoor advertising signs are not permitted.
- (12) Two (2) unlighted garage sale signs not exceeding three (3) square feet each in area may be displayed as follows:

~~(aa) Said signs may be displayed only during such times as the garage sale being advertised is actually being held or conducted.~~

(ab) Said signs may only be erected and displayed on private property with the consent of the owner thereof. They may not be erected or displayed on street trees, utility poles, or elsewhere in public rights-of-way.

(13) Interior directional, warning, and informational signs not exceeding six (6) square feet in area and six (6) feet in height.

(14) One (1) exterior directional sign per driveway or pedestrian walkway serving five (5) or more dwelling units as follows:

(aa) Sign copy limited to any or all of the following: street name and address, housing project name and logo, for sale, for rent, for lease.

(ab) Twelve (12) square feet maximum area, external illumination only.

(ac) For a freestanding sign, six (6) feet maximum height; for a wall sign, first story maximum height not to exceed twelve (12) feet.

(15) For the purpose of replacing one nonconforming use with another nonconforming use, additional signs as follows:

(aa) Canopy and wall identification signs limited to one-half (0.5) square foot in combined sign area for each lineal foot of any wall facing a public street. Signs shall face only public streets, shall not exceed thirty-five (35) feet in height, and shall have external illumination only, except for neon signs on the inside of windows.

(ab) Window signs are permitted, shall face only public streets, and shall have external illumination only.

(b) In the P-0 Zone, the following signs are permitted:

(1) For any uses permitted in the R-3 Zone, except those permitted by conditional use permit, any signs permitted in the R-3 Zone excepting Section 10-2.2109(a)(4).

(2) For any uses permitted by conditional use permit in the R-3 Zone, any signs permitted in the R-3 Zone, including Section 10-2.2109(a)(4).

(3) For uses other than those permitted in the R-3 Zone, the following signs are permitted:

~~(aa) Any signs permitted in the R-3 Zone except Section 10-2.2109(a)(4).~~

- (ab) For each site one (1) freestanding sign per street frontage, each sign not exceeding sixteen (16) square feet and eight (8) feet in height.
 - (ac) Canopy and wall identification signs limited to one-half (0.5) square foot in combined sign area for each lineal foot of any wall, and not exceeding thirty-five (35) feet in height. Canopy and wall identification signs may have external illumination only; no internal illumination shall be permitted.
 - (ad) 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.
- (4) For the purpose of replacing one nonconforming use with another nonconforming use, additional signs as follows:
- (aa) Canopy and wall identification signs limited to one-half (0.5) square foot in combined sign area for each lineal foot of any wall facing a public street. Signs shall face only public streets, shall not exceed thirty-five (35) feet in height, and shall have external illumination only, except for neon signs on the inside of windows.
 - (ab) Window signs are permitted, shall face only public streets, and shall have external illumination only.

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

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

- (a) In the C-1, C-2, C-3, C-M, M-1 and M-2 zones, the following signs are permitted except as otherwise stated:
 - (1) Only one (1) of the following signs for each use or occupancy:
 - (aa) Freestanding identification sign not exceeding seventy-two (72) square feet in area and twenty (20) feet in height; or
 - (ab) Projecting identification sign not exceeding seventy-two (72) square feet in area and thirty-five (35) feet in height; if any portion projects into or overhangs a public street or alley right-of-way, said sign shall not exceed forty-eight (48) square feet in area; or

- ~~(ac) Marquee identification sign at right angles to a street, not exceeding forty-eight (48) square feet in area and thirty-five (35) feet in height. A second such marquee identification sign is permitted if the two (2) signs are single-faced, are parallel, and are on opposite ends of a marquee.~~
- (ad) Exception: Any sign existing on March 1, 1977, in the C or M zones on a pylon which extends above a ridgeline shall be allowed to remain in addition to one (1) of the above signs as a nonconforming sign subject to abatement according to the schedule set forth in Section 10-2.2107.
- (2) One (1) freestanding identification sign for a shopping center, as herein defined, for each street upon which the shopping center fronts, subject to the following provisions:
- (aa) Each shopping center sign shall not exceed seventy-two (72) square feet in area and twenty (20) feet in height.
- (ab) The identification on each shopping center sign shall be limited to the shopping center name with either a reader board or a listing of uses within the center optional. The lettering for the reader board or the listing of such uses shall be of a size not greater than one-half (0.5) the size of the lettering of the shopping center name on such sign.
- (ac) Any freestanding or projecting identification sign or signs erected at said shopping center on or after July 1, 1972, whether identifying said shopping center or any use or occupancy therein, shall be removed prior to obtaining a building permit for the erection of a shopping center sign.
- (ad) After erection of a shopping center sign at a shopping center, even in those cases where the shopping center sign installation preceded this Code provision, no additional freestanding or projecting identification sign shall be erected at such shopping center for any use or occupancy therein.
- (ae) A shopping center, eligible for a freestanding identification sign, is usually characterized by a cluster of retail uses:
- (i) At one (1) location held out to the public as a distinct shopping area and having a minimum of five (5) retail uses on the same or adjacent sites.
- (ii) On one (1) or more parcels not normally traversed by any public streets.

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

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

(3) For a freestanding tourist-oriented hotel, motel, restaurant or service station located on property within two hundred (200) feet of the Freeway 99 right-of-way, one (1) freestanding identification sign, not exceeding one hundred fifty (150) square feet in area and thirty-five (35) feet in height may be approved subject to the securing of a conditional use permit from the Board in accordance with Article 25 of Chapter 2 of Title X of this Code.

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

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

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

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

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

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

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

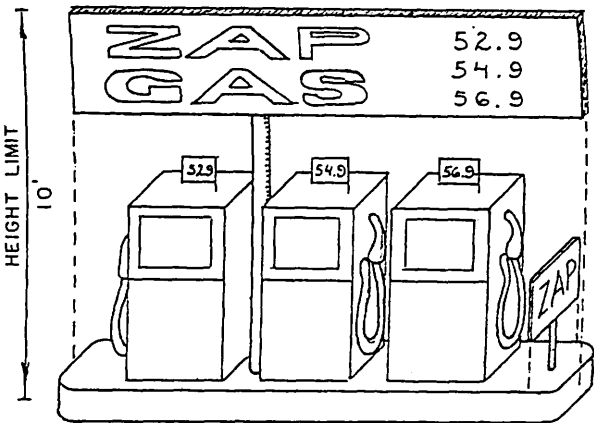
(i) For the principal frontage of the building as designated by the applicant:

<u>Building Frontage</u>	<u>Maximum Total Area for All Canopy, Marquee, and Wall Identification Signs</u>
First 50 feet	4 square feet per lineal foot of building frontage plus
Next 50 feet	2 square feet per lineal foot of building frontage plus
Over 100 feet	1 square foot per lineal foot of building frontage
<u>Building Frontage</u>	(ii) For each other frontage of the building: <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 fourteen and one-half (14.5) feet above ground level in areas open to vehicular traffic.
	(5) Directional signs located wholly on private property on the premises to which they pertain as follows:
	(aa) One (1) exterior directional sign per use per street frontage of the site, not exceeding twelve (12) square feet in area and six (6) feet in height, and provided business identification shall not exceed one-half (0.5) of the area on a given sign face.
	(ab) Any number of interior directional signs, each not exceeding six (6) square feet in area and six (6) feet in height.
	(ac) Two (2) maximum interior directional signs for a drive-in restaurant or other eating place with drive-through facilities, each sign not to exceed thirty (30) square feet in area and eight (8) feet in height.
	(6) One (1) for sale or rent sign, not exceeding sixty-four (64) square feet in area and ten (10) feet in height.

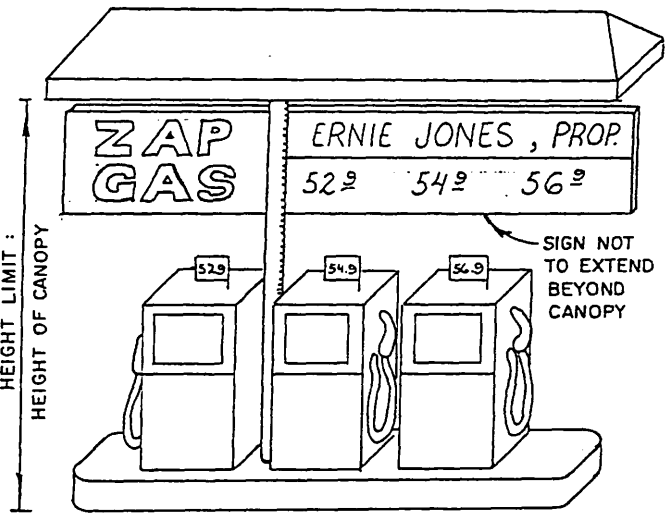
- (7) One (1) construction sign, not exceeding ~~sixty-four (64)~~ square feet in area and ten (10) feet in height, provided such sign is removed not later than thirty (30) days after construction is completed.
- (8) One (1) sign hung from a marquee per street frontage for a given use, not exceeding six (6) square feet in area on any one side or twelve (12) square feet maximum total area. Said sign shall be not less than eight (8) feet above a public sidewalk and may be mounted at an angle to the leading edge of a marquee.
- (9) Political signs may be erected, maintained, and displayed as follows:
- (aa) Each such sign shall not exceed sixty-four (64) square feet in area.
 - (ab) The overall height of each such sign shall not exceed ten (10) feet.
 - (ac) The combined area of all such signs shall not exceed one hundred fifty (150) square feet.
 - (ad) Such signs shall be erected no more than sixty (60) days prior to the date of the election, and shall be removed within ten (10) days after the election.
- (10) Temporary signs are not permitted.
- (11) Outdoor advertising signs are not permitted except as otherwise provided in this article.
- (12) Window signs are permitted.
- (13) One (1) freestanding identification sign, not exceeding seventy-two (72) square feet in area and twenty (20) feet in height, which shall be permitted to identify a use without any structures, such as a parking lot. For pumpkin and Christmas tree sale lots, one (1) freestanding identification sign shall be permitted, not exceeding thirty-two (32) square feet in area and twelve (12) feet in height.
- (14) Signs on service station pump islands, canopy uprights, and nonmovable structures on the pump islands, which shall be permitted if the combined area of said signs and all other wall and canopy signs do not exceed the total sign area permitted in subsection (4) above for the building on the site and do not project beyond the canopy roof or raised pump island. Said signs shall not exceed ten (10) feet in height if there is no

canopy. For self service service stations with small attendant booths less than ten (10) feet on any side, a maximum total wall and canopy sign area of one hundred sixty (160) square feet is permitted.

SIGN NOT TO EXTEND BEYOND PUMP ISLAND



SERVICE STATION WITHOUT A CANOPY



SERVICE STATION WITH A CANOPY

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

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

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

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

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

(b) In the C-3 zone, the following signs are permitted:

(1) Any signs allowed in the C-1 zone are permitted in the C-3 zone for uses permitted in Section 10-2.1205 excepting that freestanding, marquee, and projecting identification signs as allowed in Section 10-2.2110(a)(1) and freestanding shopping center identification signs as allowed in Section 10-2.2110(a)(2) are not permitted in the C-3 zone.

(2) Any signs allowed in the R-3 zone are permitted in the C-3 zone for uses permitted in Section 10-2.1204.

(3) For a freestanding tourist-oriented hotel, motel, restaurant, or service station located on property within two hundred (200) feet of the Freeway 99 right-of-way, one (1) freestanding identification sign not exceeding one hundred fifty (150) square feet in area and thirty-five (35) feet in height may be approved subject to the securing of a conditional use permit from the Board in accordance with Article 25 of Chapter 2 of Title X of this Code.

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

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

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

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

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

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

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

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

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

SEC. 10-2.2111. OUTDOOR ADVERTISING SIGNS.

It shall be unlawful for any person to erect, construct or maintain on any lot or parcel an outdoor advertising sign in violation of the following specific requirements:

(a) In the C-2, C-M, M-1 and M-2 zones, only the following outdoor advertising signs are permitted:

(1) For freestanding tourist-oriented hotels, motels, and restaurants only, directional outdoor advertising signs, as defined in Section 10-2.2102(s)(1), each not to exceed seventy-two (72) square feet in area and twenty (20) feet in height subject to obtaining a conditional use permit for each sign from the Board. Said use permit shall be dependent upon the following two (2) findings:

(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 or through common advertising.

- (ab) That the combined total of all approved directional outdoor advertising signs for a motel, hotel or restaurant be deemed necessary for the public welfare and not excessively promote said motel, hotel or restaurant.
- (2) Noncommercial outdoor advertising signs, as defined in Section 10-2.2102(s)(2), not to exceed seventy-two (72) square feet in area and twenty (20) feet in height, except that:
- (aa) Signs located on property within two hundred (200) feet of the Freeway 99 right-of-way may be as large as one hundred fifty (150) square feet and thirty-five (35) feet in height.
 - (ab) Signs located on property within two hundred (200) feet of the Freeway 99 right-of-way may be higher than thirty-five (35) feet subject to the securing of a conditional use permit from the Board in accordance with Article 25 of Chapter 2 of Title X of this Code.
 - (i) The Board shall grant approval 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. The applicant shall also present plans illustrating the means by which the minimum height necessary to clear said visual obstruction was determined.
 - (ii) In deciding whether to grant the conditional use permit, the Board shall not take into consideration the copy, subject matter or message of the proposed sign.
- (b) In the C-1 zone, noncommercial outdoor advertising signs, as defined in Section 10-2.2102(s)(2), not to exceed seventy-two (72) square feet in area and twenty (20) feet in height, are permitted.
- (c) In all zones other than those enumerated in subsections (a) and (b) above, outdoor advertising signs are not permitted.

SEC. 10-2.2112. NONCOMMERCIAL USE OF PERMITTED COMMERCIAL SIGNS.

Notwithstanding any other provisions of this Chapter to the contrary, any sign or portion thereof which is otherwise legally permitted as a result of the commercial use or occupancy of a building, lot or parcel may contain noncommercial messages in accordance with the definition provided by Section 10-2.2102(s)(2). When the commercial use or occupancy of the building, lot or parcel ceases, said sign must comply with the applicable provisions of this Chapter relating to the removal of obsolete signs and outdoor advertising signs.

SEC. 10-2.2201. APPLICABILITY.

The following provisions on nonconforming uses shall apply only to those uses lawfully existing in the City on July 7, 1955 or those made nonconforming by rezoning, annexation or amendment of this Chapter.

SEC. 10-2.2202. NONCONFORMING USES.

- (a) A nonconforming use may be continued provided it is not physically expanded in size.
- (b) The Board may grant a conditional use permit for one nonconforming use to replace another provided it finds the new use will have no greater impact on surrounding properties and is compatible with the neighborhood.
- (c) If a nonconforming use is discontinued for a continuous period of six (6) months, all future uses shall conform to the provisions of this Chapter except that the Board may grant a conditional use permit for another nonconforming use as provided for above.

ARTICLE 23. GENERAL PROVISIONS.

SEC. 10-2.2301. APPLICABILITY.

The regulations in this Article shall apply in the various zones. Where conflict between regulations occurs, the regulations in this Article shall apply.

SEC. 10-2.2302. USES NOT SPECIFIED.

If a use is not specifically listed as a permitted or conditional use in one of the zones, the Director shall determine the zone in which it is first allowed. The determination shall be based on comparable uses which are listed and reference documents like the Standard Industrial Classification Manual may also be utilized. Where there are comparable uses in more than one zone, the use shall first be permitted in the most restrictive zone.

SEC. 10-2.2303. CLARIFICATION OF AMBIGUITY.

If ambiguity exists regarding the provisions of this Title, the Director shall make the determination as to meaning.

SEC. 10-2.2304. UTILITIES AND RAILROADS.

- (a) The provisions of this Chapter shall not apply to poles, lines or other similar transmission facilities solely for the purpose of transmitting electricity or communications.
- (b) Railroad rights-of-way may be used solely for the purpose of accommodating tracks, signals and other operating devices, the

SEC. 10-2.2305. TEMPORARY CONSTRUCTION BUILDINGS.

Temporary construction buildings at a building site are permitted. The buildings shall be removed at the end of construction or once all lots or houses in the subdivision are sold.

SEC. 10-2.2306. TEMPORARY REAL ESTATE OFFICES.

One (1) temporary real estate office may be located in any new subdivision, provided that such office shall be used only for the sale of property located in the subdivision in which such office is located and shall be removed at the end of two (2) years from the date of the recording of the map of the subdivision upon which said office is located, except that where fewer than one-half of the lots in such subdivision have been sold at the end of such two-year period, a conditional use permit may be granted by the Board of Zoning Adjustment for the extension of the time of establishment and removal of such office.

SEC. 10-2.2307. PERMITTED LOCATIONS OF RECREATIONAL VEHICLES.

It shall be unlawful for any person to place, keep or maintain or permit to be placed, kept or maintained any recreational vehicle upon any lot, except as follows:

(a) Within a residential zone:

- (1) Any number wholly within a structure lawfully existing on the premises.
- (2) A maximum of two (2) recreational vehicles in addition to those kept pursuant to subsection (a)(1) hereof upon any lot, provided all of the following:
 - (aa) No portion of the recreational vehicle overhangs any portion of the public sidewalk or lacking a public sidewalk, no portion of the recreational vehicle is within five (5) feet of the curbline.
 - (ab) No portion of the recreational vehicle is closer than three (3) feet to any building used for human habitation.
 - (ac) No portion of the recreational vehicle is within a clear vision zone of a corner lot as defined in Section 10-2.2314.

(3) Any number within a mobile home park or a trailer park.

(b) Within a nonresidential zone:

- (1) Any number within a mobile home park or a trailer park.

~~(2) Any number for storage, sale or business use as permitted in such zone.~~

- (c) A motor home or mounted camper which is not more than seventy-eight (78) inches in height and seventy-two (72) inches in width shall be exempt from the provisions of this section.

SEC. 10-2.2308. PERMITTED LOCATIONS OF TRUCKS AND TRUCK TRAILERS.

It shall be unlawful for any persons to place, keep or maintain, or permit to be placed, kept or maintained, any truck or truck trailer in any residential zone, except for pickup or delivery service, public agency or utility company vehicle while used on official business, or as part of the operation of a legally existing nonconforming use. In no case shall such truck or truck trailer be parked at any location in the residential zone longer than required for pickup or delivery service or official business, other than within the grounds of a legally existing nonconforming use located within the residential zone and of which operation the truck or truck trailer is a part.

SEC. 10-2.2309. LANDSCAPE PLANS AND MAINTENANCE.

Whenever landscaping or a landscape plan is required by this Code or as a condition of a zone, variance, use permit, plot plan or similar action, landscape and irrigation system design and plan specifications as determined by the Director of Parks and Recreation shall apply. Landscaping and irrigation systems shall be installed and maintained in accordance with the approved plans.

SEC. 10-2.2310. SWIMMING POOL FENCES.

Private swimming pools for all residential developments not exceeding four (4) dwellings per lot shall be fenced by a minimum five (5) foot high wall or fence constructed so as to completely isolate the pool from access by the general public. The fence shall be provided with a self-closing and self-latching gate or gates with latches or opening devices located at least four and one-half (4.5) feet above ground level or raised platforms. No pool shall be filled with water until the enclosing fence has been constructed and approved by the Chief Building Official. Surrounding structures or existing gates for yard fences may suffice for this requirement when approved by the Chief Building Official.

SEC. 10-2.2311. SCREENING, ROOF-MOUNTED AIR CONDITIONERS.

For all residential dwelling units located on lots backing up to or siding on a major street, expressway, or freeway with all access thereto denied, roof-mounted air conditioners shall be screened. Screening shall be accomplished by a decorative screen around an air conditioning unit to visually obscure it from pedestrians and motorists on the street.

SEC. 10-2.2312. HEIGHT OF ROOF STRUCTURES.

Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a building, towers,

and similar structures may be erected above the height limits prescribed by this Chapter upon the securing of a conditional use permit from the Board.

SEC. 10-2.2313. MODIFICATION OF YARDS ON COMBINED LOTS.

When a building crosses a property line, the two (2) lots shall constitute a single building site and required side and rear yards shall not apply to the common boundary.

SEC. 10-2.2314. VISION OBSTRUCTIONS.

- (a) In zones requiring a front yard, there shall be a clear vision triangle on all corner lots. The triangle is an area bounded by the front and side street property lines and a line connecting them twenty-five (25) feet from their intersection. Within the triangle, the area between three (3) and eight (8) feet in height measured from the top of the curb adjacent to the front yard shall be clear. Trees may penetrate the clear area as long as there are no branches lower than eight (8) feet and the trunk does not constitute a hazard to vehicular or pedestrian traffic as determined by the Director of Parking and Traffic. If no curb exists, the City engineer shall establish curb grade.
- (b) In addition to obstructions in (a) above, the Director of Parking and Traffic may require the removal of landscaping or structures on any lot which in his opinion constitute a hazard to vehicular or pedestrian traffic.

SEC. 10-2.2315. PROJECTIONS INTO YARDS.

- (a) Eaves and awnings and other ornamental architectural features may project into a required yard as permitted by the Uniform Building Code.
- (b) Chimneys may project into a required yard a maximum of one-half (0.5) foot.

SEC. 10-2.2316. WALLS AND FENCES.

Nothing in this Chapter shall limit the location or height of a wall or fence required as a condition of a zone, variance, use permit, plot plan, parcel map, subdivision map or other similar action.

SEC. 10-2.2317. ZONING SETBACKS PREVAIL.

If the setbacks required by the zoning regulations and an approved subdivision map differ, the zoning regulations shall prevail.

SEC. 10-2.2318. BUILDABLE LOTS.

All lots recorded or part of an approved tentative subdivision on July 7, 1955 shall be deemed to comply with the applicable area and width requirements. All such lots are entitled to at least one (1) single family dwelling.

Land dedicated for street widening may be counted when calculating lot dimensions, lot area or permissible residential density:

- (a) if the land is not required to be dedicated and the owner enters into an agreement with the City to dedicate in return for the area credit, or
- (b) if the land is within two hundred and fifty (250) feet of a designated major street and is required to be dedicated to widen a collector street in excess of the standard sixty (60) foot width. Only the excess shall be included in the credit.

SEC. 10-2.2320. REQUIRED SETBACKS FOR AUTOMOBILE ORIENTED STRUCTURES.

Notwithstanding any other provisions in this Chapter, no building or structure which serves automobiles or automobile occupants, such as gasoline-dispensing facilities, air-and-water-dispensing facilities, and drive-up windows, shall be closer than ten (10) feet to any property line or fifteen (15) feet to any other building or structure. A canopy or extended roof may extend to the setback lines.

SEC. 10-2.2321. NO CONFLICTING LICENSES OR PERMITS SHALL BE ISSUED.

All departments, officials or public employees vested with the duty or authority to issue permits or licenses where required by law shall conform to the provisions of this Chapter. No license or permit for uses, buildings or purposes in conflict with the provisions of this Chapter shall be issued. Any license or permit, if issued in conflict with the provisions hereof, shall be null and void.

SEC. 10-2.2322. ENFORCEMENT.

- (a) The Chief Building Official, Chief of Police, and the Director are hereby designated as the officers authorized to enforce this Chapter. Their failure to enforce any provision of this Chapter shall not legalize any violation of such a provision, nor shall it give rise to any civil or criminal liability. Prior to the issuance of any permit by the Chief Building Official, the plans of and for the proposed erection, construction, reconstruction, alterations and use shall 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 may order the use or occupancy discontinued and the building, structure or land or portion thereof to be vacated by serving notice on any person(s) causing the use or occupancy to be continued. The person(s) shall discontinue the use or occupancy within ten (10) days after the receipt of a 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,

SEC. 10-2.2323. VIOLATION.

It shall be unlawful to violate or fail to perform any condition, requirement or restriction placed on any P-D zone, conditional use permit, variance, plot plan or other similar action.

SEC. 10-2.2324. EXPIRATION.

Any conditional use permit, variance, plot plan or other similar action granted by the Board, Commission or Council becomes null and void if not exercised within the time specified in the resolution. If no time is specified, it becomes null and void after two (2) years of the approval date.

SEC. 10-2.2325. MINOR PLAN REVISIONS.

If changes to a plan approved by the Board, Commission or Council as part of a conditional use permit, variance, plot plan or other similar actions are requested, and the changes do not involve new uses, significant impact on adjacent property or significant site redesign, the revised plan may be approved by the Secretary or referred to the Board or Commission without a public hearing.

SEC. 10-2.2326. DEVELOPMENT AND MAINTENANCE.

Any project approved by a conditional use permit, variance, P-D zone, plot plan or other similar action shall be developed and maintained in conformance with the conditions and requirements of the approving resolution and any subsequent modifications by the Board, Commission or Council.

SEC. 10-2.2327. SITE PLAN REQUIREMENTS.

If a site plan, elevation, perspective or floor plan is required by this Chapter as part of an application, the plan drawings shall conform to all standards as published by the Director.

SEC. 10-2.2328. DESIGN REVIEW GUIDELINES.

In reviewing any proposed development, the Board, Commission or Council may utilize design review guidelines as may be adopted from time to time by the Board, Commission or Council.

SEC. 10-2.2329. NUISANCE.

The operation of any land use shall not cause an unreasonable amount of noise, odor, dust, mud, vibration or electrical interference detectable off the premises.

SEC. 10-2.230. CHRISTMAS TREES, FIREWORKS AND PUMPKINS. The temporary sale of Christmas trees, fireworks and pumpkins is permitted in any commercial zone or on any lot fronting on a major street as shown on the General Plan subject to obtaining a permit from the Director. The Director shall issue the permit if it conforms with all provisions of this Chapter and can be conducted in a manner which would be compatible with surrounding land uses and traffic patterns or can be made compatible by conditions imposed by the Director.

SEC. 10-2.2331. UNCLASSIFIED USE PERMITS.

Land uses approved by unclassified use permits may continue in existence subject to the following regulations:

- (a) All development shall be maintained in conformance with the conditions and requirements of the approving resolution or ordinance or any subsequent modifications by the Commission or Council. It shall be unlawful to violate or fail to perform any condition or requirement of the permit.
- (b) If site plan changes are requested, and the changes do not involve new uses, significant impact on adjacent properties or significant site redesign, the revised plan may be approved by the Secretary or referred to the Commission without a public hearing.
- (c) Other than minor changes approved in accordance with (b) above, developments approved with unclassified use permits may not be modified or expanded unless a planned development zone or conditional use permit is approved for the entire development or the use is a permitted use in the zone.
- (d) If the use approved by an unclassified use permit is discontinued for a continuous period of six (6) months, the property may not be reused for the same use unless the use is a permitted use in the zone or a conditional use permit or planned development zone is obtained.

ARTICLE 24. (THERE IS NO ARTICLE 24. THE NEXT ARTICLE IS ARTICLE 25.)

ARTICLE 25. VARIANCES AND CONDITIONAL USE PERMITS

SEC. 10-2.2501. PURPOSE OF A VARIANCE.

When practical difficulties, unnecessary hardships or results inconsistent with the general purpose of this Chapter result from the strict and literal interpretation and enforcement of its provisions, the Board may grant variances. The sole purpose of a variance shall be to prevent discrimination, and no variance shall be granted which would have the affect of granting a special privilege not shared by other property in the same zone and immediate vicinity.

The applicant for a variance shall have the burden of proof of showing that:

- (a) There are special circumstances or conditions applicable to the property or buildings in question which do not exist for other property or buildings in the same zone and immediate vicinity.
- (b) The special circumstances or conditions are such that strict application of the provisions of this Chapter would deprive the applicant of practical use of the property or buildings.
- (c) Granting the variance will be consistent with the intent and purpose of this Chapter and will not be detrimental to the neighborhood or public welfare.

SEC. 10-2.2503. PURPOSE OF A CONDITIONAL USE PERMIT.

The purpose of a conditional use permit is to allow Conditional Uses subject to conditions the Board may determine necessary to insure compatibility with other uses in the area.

SEC. 10-2.2504. USE EXTENSION ACROSS A ZONE BOUNDARY.

If a zone boundary line divides a lot, the Board may grant a conditional use permit for a use permitted in either zone to extend a maximum of seventy-five (75) feet into the other zone.

SEC. 10-2.2505. CONDITIONS OF APPROVAL.

In granting a variance or conditional use permit the Board may impose conditions deemed necessary or desirable to protect the public health, safety or welfare.

SEC. 10-2.2506. APPLICATIONS.

- (a) A complete application for a variance or conditional use permit shall at a minimum contain:
 - (1) An application form as prescribed by the Director.
 - (2) A development plan and any elevations, perspectives or floor plans necessary for project evaluation as determined by the Director.
 - (3) Other information that the Board or Director may require for project evaluation.
 - (4) A filing fee as established by the Council.
- (b) All plans, elevations, perspectives or floor plans shall conform to plot plan standards as published by the Director.

(c) ~~If an application for a variance or conditional use permit is denied, an application for the same variance or use cannot be filed until one (1) year after date of denial. The Council or Board may waive the one (1) year wait if they feel circumstances have changed substantially and the interest of the general public will not be adversely affected.~~

SEC. 10-2.2507. HEARING PROCEDURE OF BOARD.

- (a) Upon the filing of a complete application for a variance or conditional use permit, the Secretary shall set a public hearing date. The date shall be not less than ten (10) or more than fifty (50) days after the filing date.
- (b) A public notice of the hearing shall be prepared which at a minimum identifies the hearing body, describes the location of the property, nature of the variance or use, and the date, the time and place of the hearing. The notice shall be distributed as follows:
 - (1) Mailing of a notice to the owner or authorized agent of the property owner and the project applicant. Mailing of a notice to every property owner as shown on the updated equalized assessment role of the County of Stanislaus, who owns property, any part of which is within three hundred (300) feet of the property involved. Mailing of a notice to the elementary and high school districts serving the area. The notice shall be deposited in the United States mail not less than ten (10) days prior to the hearing.
 - (2) Additional means of distribution may be used at the discretion of the Secretary or City Clerk. Additional means of distribution may include mailing of notices not otherwise required or posting notices in the immediate area of the property.
- (c) No more than twenty (20) days after the closing of the public hearing the Board shall announce its findings and decision by resolution. The resolution shall state the reasons making the granting or denying of the application necessary to carry out the purpose of this Chapter as well as any conditions of approval. A copy of the resolution shall be mailed to the applicant.
- (d) A Board resolution shall be final and effective fifteen (15) days after date of adoption unless the decision is appealed to the Council within the fifteen (15) day period. Filing of an appeal shall stay the effective date of the Board's order until the Council has acted on the appeal.

SEC. 10-2.2508. APPEAL OF BOARD DECISION TO COUNCIL.

- (a) Upon the filing of a written appeal, including receipt of a filing fee, the City Clerk shall set a public hearing date. The date shall be not less than ten (10) or more than fifty (50) days after filing of the appeal.

~~(b) Prior to the Council hearing or the appeal, the Secretary shall send to the Council a copy of the Board's record of the case.~~

- (c) A public notice of the appeal shall be prepared and distributed as required above for the Board hearing.
- (d) No more than twenty (20) days after the closing of the Council hearing, the Council shall announce its findings and decision by resolution. The resolution shall state the reasons making, granting or denying the application necessary to carry out the purpose of this Chapter as well as any conditions of approval. A copy of the resolution shall be mailed to the applicant. The action of the Council shall be final.

SEC. 10-2.2509. PERMANENT FILE.

The permanent file of a variance or conditional use permit application shall at a minimum contain the application, minutes of all public meetings or hearings, copies of all resolutions, and copies of all public notices and affidavits of their mailing, posting or publishing.

SEC. 10-2.2510. REVOCATION OF USE PERMITS AND VARIANCES.

- (a) After a public hearing held in accordance with this Article, the Board may modify or revoke any conditional use permit or variance on one or more of the following grounds:
 - (1) The approval was obtained by fraud.
 - (2) The use for which approval was granted is not being exercised or has ceased to exist.
 - (3) The use permit or variance is being exercised contrary to the conditions of approval or in violation of other applicable laws or regulations.
 - (4) The use for which approval was granted is being exercised so as to be detrimental to the public health, safety or welfare, or so as to constitute a nuisance.
- (b) The resolution of the Board modifying or revoking a conditional use permit or variance shall be final and effective fifteen (15) days after date of adoption unless appealed to the Council as provided for in this Article.

ARTICLE 26. AMENDMENTS

SEC. 10-2.2601. PURPOSE AND INTENT.

Boundaries of the zones established by this Chapter, and all other provisions of this Chapter may be amended whenever public necessity, convenience and general welfare require.

- (a) Zone boundary changes may be initiated by:
 - (1) An application verified by one (1) or more of the owners of all or a part of the property to be rezoned.
 - (2) Resolution of the Commission or Council.
- (b) Changes in other provisions of this Chapter may be initiated by resolution of the Council or Commission, or by the Secretary.

SEC. 10-2.2603. BURDEN OF PROOF.

The applicant for a zone boundary change shall have the burden of proof of showing that:

- (a) The requested zone change is required by public convenience or necessity;
- (b) The requested change will result in an orderly planning use of land resources;
- (c) The requested zone change is in accordance with the community's objectives as set forth in the General Plan.

SEC. 10-2.2604. PREZONING OF UNINCORPORATED AREA.

- (a) The City may prezone unincorporated area for the purpose of determining the zoning that will apply to the property upon annexation.
- (b) The procedure for establishing prezones shall be the same as provided in this Article for the establishment of zones within the City.

SEC. 10-2.2605. APPLICATIONS.

- (a) A complete application for a zone boundary change shall at a minimum contain:
 - (1) An application form as prescribed by the Director.
 - (2) Other information that the Commission or Director may require for evaluation of the proposal.
 - (3) A filing fee as established by the Council.
- (b) An application for a zone boundary change shall be signed by at least one (1) of the owners of part or all of the property to be rezoned.

~~(c) If an application for a zone boundary change is denied, an application for the same change cannot be filed until one (1) year after date of denial. The Council or Commission may waive the one (1) year wait if they feel circumstances have changed substantially and the interest of the general public will not be adversely affected.~~

SEC. 10-2.2606. HEARING PROCEDURE.

- (a) Upon the filing of a complete application for a zone boundary change, upon adoption of a resolution by the Council or Commission, or at his own initiation, the Secretary shall set a public hearing date. The date shall be not less than ten (10) or more than fifty (50) days after the filing date or date of initiation.
- (b) A public notice of the hearing shall be prepared which at a minimum identifies the hearing body, describes the location of the property (if applicable), nature of the proposed change, and the date, the time and place of the hearing. The notice shall be distributed as follows:
 - (1) For amendments other than zone boundary changes, the notice shall appear in the official newspaper of the City at least once not less than ten (10) days prior to the hearing.
 - (2) For zone boundary changes the notice shall be mailed to the owner or authorized agent of the property owner and project applicant and every property owner as shown on the updated equalized assessment role of the County of Stanislaus, who owns property, any part of which is within three hundred (300) feet of the property involved. Notice shall be mailed to the elementary and high school districts serving the area. The notice shall be deposited in the United States mail not less than ten (10) days prior to the hearing.
 - (3) Additional means of distribution may be used at the discretion of the Secretary or City Clerk. Additional means of distribution may include mailing of notices not otherwise required or posting notices in the immediate area of the property.
- (c) No more than twenty (20) days after the close of the public hearing the Commission shall announce its findings and recommendations or decisions by resolution. The resolution shall state the reasons why the Commission's decision was necessary to carry out the purpose of this Chapter as well as any conditions of approval. A copy of the resolution shall be mailed to the applicant.
- (d) A Commission resolution denying an amendment shall be final and effective fifteen (15) days after date of adoption unless the decision is appealed to the Council within the fifteen (15) day period. Filing of an appeal shall stay the effective date of the Commission's decision until the Council has acted upon the appeal.

~~(e) Upon receipt of a resolution recommending approval or upon the filing of a written appeal, including receipt of a filing fee, the City Clerk shall set a public hearing date. The date shall be not less than ten (10) or more than fifty (50) days after receipt of the resolution or written appeal.~~

- (f) Prior to the Council hearing, the Secretary shall send to the Council a copy of the Commission's record of the case.
- (g) A public notice of the Council meeting shall be prepared and distributed as required above for the Commission hearing.
- (h) No more than twenty (20) days after the closing of the Council hearing, the Council shall announce its findings and decision by resolution. The resolution shall state the reasons why the decision was necessary to carry out the purpose of this Chapter as well as any conditions of approval. A copy of the resolution shall be mailed to the applicant. The action of the Council shall be final.

SEC. 10-2.2607. PERMANENT FILE.

The permanent file of a proposed amendment shall at a minimum contain the application, minutes of all public meetings or hearings, copies of all resolutions, and copies of all public notices and affidavits of their mailing, posting or publishing.

ARTICLE 27. PLOT PLAN APPROVAL

SEC. 10-2.2701. PURPOSE AND INTENT.

Where provisions of this Chapter require plot plan approval by the Board or Commission, the requirements and procedures of this Article shall apply.

SEC. 10-2.2702. APPLICABILITY.

The foregoing specific regulations shall apply for all plot plan reviews. Where conflict in regulation occurs with other provisions of this Chapter, the regulations in this Article shall apply.

SEC. 10-2.2703. APPLICATIONS.

- (a) A complete application for plot plan approval shall contain at a minimum:
 - (1) An application form as prescribed by the Director.
 - (2) A development plan and any elevations, perspectives or floor plans as determined by the Director necessary for project evaluation.
 - (3) Any other information as the Board, Commission or Director may require for project evaluation.

- (b) All plans, elevations, perspectives or floor plans shall conform to plot plan standards as published by the Director.

SEC. 10-2.2704. REVIEW PROCEDURE.

- (a) Upon the filing of a complete application for plot plan review, the Secretary of the Board or Commission shall set a date for consideration by the Board or Commission. The date shall be not less than ten (10) or more than fifty (50) days after the filing date.
- (b) No more than twenty (20) days after the closing of consideration the Board or Commission shall announce its findings and decisions by resolution. The resolution shall state the reasons the Commission's or Board's action is necessary to carry out the purpose of this Chapter as well as any conditions of approval. A copy of the resolution shall be mailed to the applicant.
- (c) A Board or Commission resolution shall be final and effective fifteen (15) days after date of adoption unless the decision is appealed to the Council within the fifteen (15) day period. Filing of an appeal shall stay the effective date of the Board's or Commission's decision until the Council has acted on the appeal. Appeals shall be filed and considered by the Council in accordance with Sec. 1-4.01 et seq. of the Municipal Code.

SEC. 10-2.2705. CONDITIONS OF APPROVAL.

In granting plot plan approval the Board, Commission or Council may impose conditions deemed necessary or desirable to maintain neighborhood compatibility and to protect the public health, safety or welfare.

SEC. 10-2.2706. BOARD REVIEW OF RESIDENTIAL PLOT PLANS.

Notwithstanding any provisions of this Chapter to the contrary, where a residential project requires both plot plan review by the Commission and a variance from the Board, the Board shall review and either approve or deny both the plot plan and variance requests in accordance with all other applicable procedures.

ARTICLE 28. APPEAL OF ADMINISTRATIVE DECISIONS

SEC. 10-2.2801. RIGHT TO APPEAL.

Any person disagreeing with an administrative decision made by any City official involving the application of this Chapter, may appeal the decision to the Board.

A written appeal shall be filed with the Secretary within thirty (30) days of the date of the decision. Filing of an appeal within this period shall stay the effective date of the decision until the Board has acted on the appeal. The written appeal shall clearly state the decision excepted to and the grounds for the appeal.

SEC. 10-2.2803. PROCEDURE.

- (a) Upon the filing of an appeal in the proper form and with a fee as established by the Council, the Secretary shall set the matter for consideration by the Board at its next meeting. Written notice of the date and time of consideration shall be given to the appellant and any other persons requesting notice not less than ten (10) days prior to Board consideration.
- (b) No more than twenty (20) days after the closing of consideration, the Board shall announce its findings and decision by resolution. Its decision shall be final unless an appeal to the Council is filed in accordance with Sec. 1-4.01 et seq. of the Municipal Code.
- (c) Written notice shall be considered as having been given whenever it has either been personally delivered or deposited in the United States mail, postage prepaid, and addressed to the person entitled to receive the notice.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation on September 1, 1985.

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

Council of the City of Modesto held on the 9th day of July,
1985, by Councilmember Whiteside, who moved its introduction and passage
to print, which motion being duly seconded by Councilmember Lang,
was upon roll call carried and ordered printed and published by the following
vote:

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

NOES: Councilmembers: None.

ABSENT: Councilmembers: None.

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

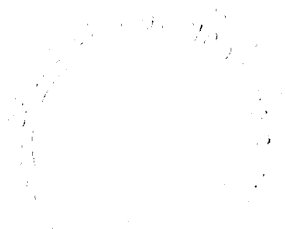
ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 23rd day of July, 19 85, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



EFFECTIVE DATE: September 1, 1985

ORDINANCE NO. 2357 -C.S.

AN ORDINANCE AMENDING SECTION MAP 24-3-9 OF THE ZONING MAP TO REZONE A PORTION OF P-D(218) TO R-2, PROPERTY LOCATED NORTH OF CEDAR CREEK COURT WEST OF CLAUS ROAD. (LESLIE BUSICK)

WHEREAS, the City Council, by Ordinance No. 1825-C.S., which was adopted on May 22, 1979, and which became effective on June 21, 1979, amended Section Map 24-3-9 of the Zoning Map to prezone certain property to Planned Development Zone, P-PD(218), to allow 271 one and two-story townhouses and common recreational facilities, property located on the north side of Scenic Drive, east of Nut Tree Lane, in the City of Modesto, and

WHEREAS, the Council, by Resolution No. 79-443, adopted on May 8, 1979, approved the development schedule for prezoned Planned Development Zone, P-PD(218), and

WHEREAS, on May 7, 1979, the property prezoned Planned Development Zone P-PD(218) was annexed to the City of Modesto, and

WHEREAS, on May 13, 1980, by Ordinance No. 1944-C.S., the Council amended the uses for P-PD(218) to allow 277 condominiums instead of 271 one and two-story townhouses, property located on the north side of Scenic Drive, west of Claus Road, in the City of Modesto, and

WHEREAS, on May 13, 1980, by Resolution No. 80-457, the Council also amended the development schedule for P-PD(218) to allow 277 condominiums instead of 271 one and two-story townhouses, and

WHEREAS, a verified application for an amendment to Section 24-3-9 of the Zoning Map was filed by Leslie Busick on May 13, 1985, to reclassify a

portion of Planned Development Zone, P-D(218), to Medium Density Residential Zone, R-2, property located north of Cedar Creek Court, west of Claus Road, in the City of Modesto, and

WHEREAS, said amendment was set for a public hearing before the Planning Commission on June 17, 1985, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence, both oral and documentary, was received and considered, and

WHEREAS, at said hearing, after hearing evidence, both oral and documentary, the Planning Commission, by its Resolution No. 85-126, found and determined that rezoning a portion of P-D(218) to R-2 was required by public necessity, convenience and general welfare for the following reasons:

1. R-2 zoning is consistent with the Lakewood Neighborhood Zoning and Development Plan adopted for the area.
2. R-2 density is the equivalent of the density allowed in P-D(218).
3. Plot plan approval is required for multiple family development in the R-2 Zone to assure compatibility with adjacent uses.

and

WHEREAS, said matter was set for public hearing before the Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, Modesto, California, on July 23, 1985, at 7:30 p.m., at which time evidence, both oral and documentary, was taken and introduced,

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

SECTION 1. COUNCIL FINDINGS. The Council finds and determines that a portion of Planned Development Zone, P-D(218) should be rezoned to Medium Density Residential Zone, R-2, for the reasons set forth in Planning Commission Resolution No. 85-126 and quoted above.

SECTION 2. ZONING CHANGE. Section 24-3-9 of the Zoning Map is hereby amended to rezone the following described property from Planned Development Zone, P-D(218), to Medium Density Residential Zone, R-2:

ALL that certain real property lying in a portion of the Northeast quarter of Section 24, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the Southeast corner of Glenbrook East Subdivision as recorded in Volume 28 of Maps, at Page 47, Stanislaus County Records; thence North $0^{\circ}01'59''$ West along the Easterly boundary of said subdivision a distance of 262.67 feet; thence South $89^{\circ}51'03''$ East along the Northerly line of Parcel "D" as recorded in Book 30 of Parcel Maps, at Page 11, Stanislaus County Records, a distance of 264.96 feet; thence South along the Easterly line of said Parcel "D" a distance of 676.02 feet to a point on the Northerly right-of-way line of Cedar Creek Court; thence continuing South a distance of 30.00 feet to the centerline of Cedar Creek Court; thence West along the centerline of Cedar Creek Court 190.00 feet to the Westerly right-of-way line of Cedar Creek Court; thence continuing West along the Centerline of a private street (Cedar Creek Drive) 102.55 feet to the beginning of a curve concave to the South having a radius of 100.00 feet; thence 80.36 feet along said curve and the centerline of Cedar Creek Drive thru a central angle of $46^{\circ}02'24''$; thence North $0^{\circ}01'59''$ West, along the Southerly prolongation of the Easterly right-of-way line of Glenbrook Way 460.69 feet to a point on the Southerly line of Glenbrook East subdivision; thence North $82^{\circ}04'18''$ East along the Southerly boundary line of Glenbrook East subdivision a distance of 100.96 feet to the point of beginning.

and

SECTION 3. ZONING MAP. Section 24-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23 day of July, 1985, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None.

ABSENT: Councilmembers: None.

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Althea Arnold
Department of Planning and
Community Development

Ordinance 2357 C.S.
Exhibit A – Map

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 6th day of August, 19 85, Councilmember Whiteside 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, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang, Muratore

APPROVED *Reggie Mensinger*
MAYOR REGGIE MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 5, 1985



AN ORDINANCE AMENDING SECTION MAP 11-3-8 OF THE ZONING MAP TO REZONE FROM A PORTION OF PLANNED DEVELOPMENT ZONE, P-D(166), TO PLANNED DEVELOPMENT ZONE, P-D(381), PROPERTY LOCATED ON THE NORTH CORNER OF SISK ROAD AND VINTAGE DRIVE (TRANS-WORLD FINANCIAL CORP., INC.)

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

SECTION 1. ZONING CHANGE. Section 11-3-8 of the Zoning Map is hereby amended to reclassify the following described property from a portion of Planned Development Zone, P-D(166), to Planned Development Zone, P-D(381):

Parcel "D" as shown on that certain parcel map filed for record on October 17, 1978, in Book 28 of Parcel Maps, page 7, Stanislaus County records, and being a portion of Section 11, Township 3 South, Range 8 East, M.D.B. & M.

Also including all of Vintage Drive immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(381) 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:

- Two-story motel
- Restaurant
- Gas station/convenience market
- Parking facilities as shown on the approved plan

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of August, 1985, by Councilmember Bright, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: **Bright, Patterson, Sutton, Whiteside and Mayor Mensinger.**

NOES: Councilmembers: **None.**

ABSENT: Councilmembers: **Lang and Muratore.**

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *Greg T. Osan*
Department of Planning and
Community Development

Ordinance 2358 C.S.
Exhibit A – Map

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13th day of August, 1985, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: Norrine Coyle
NORRINE COYLE City Clerk

EFFECTIVE DATE: September 12, 1985

AN ORDINANCE AMENDING SECTION MAP 28-3-9 OF THE ZONING MAP TO REPEAL P-D(239) AND REZONE TO R-3, PROPERTY LOCATED ON THE EAST CORNER OF 16TH STREET AND G STREET.

WHEREAS, the City Council, by Ordinance No. 1875-C.S., which became effective on October 11, 1979, amended Section Map 28-3-9 of the Zoning Map to rezone to Planned Development Zone, P-D(239), for a medical office building and parking area, property located on the east corner of 16th Street and G Street, and

WHEREAS, the Council, by Resolution No. 79-891, adopted on August 28, 1979 approved the development schedule for P-D(239) which specified that the entire construction program be accomplished in one phase, with construction to begin on or before September 1, 1981, and completion to be not later than September 1, 1983, and

WHEREAS, on August 17, 1981, the Planning Commission by Resolution 81-197 granted a two-year time extension to P-D(239), and

WHEREAS, P-D(239) has expired as of September 1, 1983, and the Planning Commission on June 17, 1985, by Resolution 85-122 initiated proceedings to repeal P-D(239) and rezone the property to R-3, and

WHEREAS, a public hearing was held by the Planning Commission at its regular meeting on July 1, 1985, in the City Council Chambers, City Hall, 801 11th Street, Modesto, at which hearing evidence both oral and documentary was received and considered, and thereafter the Planning Commission, by Resolution 85-136 found and determined that the repeal of Planned Development Zone, P-D(239), and rezoning the property back to High Density Residential Zone,

R-3, is required by public necessity, convenience and general welfare for the following reasons:

1. P-D(239) did not develop within the extended time limits of the revised development schedule.
2. Section 10-2.2709(c) of the Municipal Code calls for repeal or modification of expired P-D zones.
3. The applicant has not recently expressed intention to develop under the P-D(239) zone.

and

WHEREAS, by Resolution No. 85-136, adopted July 1, 1985, the Planning Commission recommended to the Council that Section Map 28-3-9 of the Zoning Map be amended to repeal P-D(239) and rezone the property hereinafter described to High Density Residential Zone, R-3, and

WHEREAS, said matter was set for public hearing before the Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, in the City of Modesto, at 4:00 p.m. on August 6, 1985, at which time evidence, both oral and documentary, was taken and introduced,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended rezoning of Planned Development Zone, P-D(239), to High Density Residential Zone, R-3, is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 85-136, and quoted above.

SECTION 2. ZONING CHANGE. Section 28-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(239), to High Density Residential Zone, R-3:

P-D(239) to R-3

Lots 25, 26, 27, 28, 29, 30, 31 and 32 in Block 128 of the City of Modesto, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California on December 21, 1942, in Volume 15 of Maps.

Including also the northeasterly 40 feet of 16th Street and the southwesterly 10 feet of 20 foot alley in said Block 128, all being immediately adjacent to said Lots 25, 26, 27, 28, 29, 30, 31 and 32.

Including also the southeasterly 40 feet of "G" Street immediately adjacent to the above property.

and

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of August, 1985, by Councilmember Sutton, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: **Bright, Patterson, Sutton, Whiteside and Mayor Mensinger.**

NOES: Councilmembers: **None.**

ABSENT: Councilmembers: **Lang and Muratore.**

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *Alex T. Olson*
Department of Planning and
Community Development

Ordinance 2359 C.S.
Exhibit A – Map

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13th day of August, 19 85, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Bright, Lang, Maratore, Patterson, Salton, Whiteside, Mayor Mensinger.
NOES: Councilmembers: None.
ABSENT: Councilmembers: None.

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 12, 1985

ORDINANCE NO. 2360 -C.S.

AN ORDINANCE AMENDING SECTION MAP 31-3-9 OF THE ZONING MAP TO REPEAL P-D(210) AND REZONE TO R-1, PROPERTY LOCATED ON THE NORTH SIDE OF VINE STREET WEST OF FRANKLIN STREET.

WHEREAS, the City Council, by Ordinance No. 1810-C.S., which became effective on March 29, 1979, amended Section Map 31-3-9 of the Zoning Map to rezone to Planned Development Zone, P-D(210), for a one-story, 21-unit elderly housing project, property located on the north side of Vine Street west of Franklin Street, and

WHEREAS, the Council, by Resolution No. 79-124, adopted on February 13, 1979 approved the development schedule for P-D(210) which specified that the entire construction program be accomplished in one phase, with construction to begin on or before July 1, 1981, and completion to be not later than July 1, 1982, and

WHEREAS, P-D(210) has expired as of July 1, 1982, and the Planning Commission on June 17, 1985, by Resolution 85-123 initiated proceedings to repeal P-D(210) and rezone the property to R-1, and

WHEREAS, a public hearing was held by the Planning Commission at its regular meeting on July 1, 1985, in the City Council Chambers, City Hall, 801 11th Street, Modesto, at which hearing evidence both oral and documentary was received and considered, and thereafter the Planning Commission, by Resolution 85-137 found and determined that the repeal of Planned Development Zone, P-D(210), and rezoning the property back to Low Density Residential Zone, R-1, is required by public necessity, convenience and general welfare for the following reasons:

1. P-D(210) did not develop within the extended time limits of the revised development schedule.
2. Section 10-2.2709(c) of the Municipal Code calls for repeal or modification of expired P-D zones.

and

WHEREAS, by Resolution No. 85-137, adopted July 1, 1985, the Planning Commission recommended to the Council that Section Map 31-3-9 of the Zoning Map be amended to repeal P-D(210) and rezone the property hereinafter described to Low Density Residential Zone, R-1, and

WHEREAS, said matter was set for public hearing before the Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, in the City of Modesto, at 4:00 p.m. on August 6, 1985, at which time evidence, both oral and documentary, was taken and introduced,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended rezoning of Planned Development Zone, P-D(210), to Low Density Residential Zone, R-1, is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 85-137, and quoted above.

SECTION 2. ZONING CHANGE. Section 31-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(210), to Low Density Residential Zone, R-1:

A portion of the South half of Lot 9 of SPENCER COLONY, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California on December 16, 1904, in Volume 2 of Maps, at Page 3, described as follows:

BEGINNING at the Northeast corner of the said South half of Lot 9, at a point in the centerline of Franklin Street and running thence South 89°58'30" West, 665.68 feet, more or less, to the Northwest corner of the said South half of Lot 9; thence South 0°10' West, along the West line of said Lot and the centerline of the Modesto Irrigation District canal, 97.05 feet to a point; thence North 89°58'30" East, 125 feet to a point; thence South 0°10' West, 100 feet to a point; thence North 89°59' East 18.68 feet more or less, to the Northwest corner of Parcel No. 2, as described in the Deed to John P. Winchester, et al, recorded April 18, 1969, in Volume 2270 of Official Records at Page 565, as Instrument No. 13135; thence continue North 89°59' East, along the North line of said Parcel No. 2, a distance of 171.00 feet to the Southwest corner of the lands heretofore conveyed to Mary A. Webb, et al, by Deed dated January 4, 1943, and recorded January 7, 1943, in Volume 764 of Official Records, at Page 72; thence North 0°10' East, along the West line of said premises conveyed to Webb, 140 feet to a point, which is 57.05 feet South of the North line of the South half of said Lot 9; thence North 89°59' East, 351 feet to the centerline of Franklin Street; thence North along said centerline, 57.05 feet to the point of beginning.

and

SECTION 3. ZONING MAP. Section 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3)

prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of August, 1985, by Councilmember Whiteside, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: **Bright, Patterson, Sutton, Whiteside and Mayor Mensinger.**

NOES: Councilmembers: **None.**

ABSENT: Councilmembers: **Lang and Muratore.**

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By [Signature]
Department of Planning and
Community Development

Ordinance 2360 C.S.
Exhibit A – Map

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13th day of August, 1985, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: **None.**

ABSENT: Councilmembers: **None.**

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 12, 1985

AN ORDINANCE AMENDING SECTION MAP 23-3-9 OF THE ZONING MAP TO REPEAL P-D(313) AND REZONE TO R-1, PROPERTY LOCATED ON THE NORTH SIDE OF EAST ORANGEBURG AVENUE EAST OF OAKDALE ROAD. (KFIV - K102)

WHEREAS, the City Council, by Ordinance No. 2067-C.S., which became effective on September 10, 1981, amended Section Map 23-3-9 of the Zoning Map to rezone to Planned Development Zone, P-D(313), for the KFIV and K102 radio stations, property located on the north side of East Orangeburg Avenue east of Oakdale Road, and

WHEREAS, the Council, by Resolution No. 81-658, adopted on August 4, 1981 approved the development schedule for P-D(313) which specified that the entire construction program be accomplished in one phase, with construction to begin on or before January 1, 1984, and completion to be not later than January 1, 1985, and

WHEREAS, P-D(313) has expired as of January 1, 1984, and the Planning Commission on June 17, 1985, by Resolution 85-124 initiated proceedings to repeal P-D(313) and rezone the property to R-1, and

WHEREAS, a public hearing was held by the Planning Commission at its regular meeting on July 1, 1985, in the City Council Chambers, City Hall, 801 11th Street, Modesto, at which hearing evidence both oral and documentary was received and considered, and thereafter the Planning Commission, by Resolution 85-138 found and determined that the repeal of Planned Development Zone, P-D(313), and rezoning the property back to Low Density Residential Zone, R-1, is required by public necessity, convenience and general welfare for the following reasons:

1. P-D(313) did not develop within the time limits of the development schedule.
2. Section 10-2.2709(c) of the Municipal Code calls for repeal or modification of expired P-D zones.

and

WHEREAS, by Resolution No. 85-138, adopted July 1, 1985, the Planning Commission recommended to the Council that Section Map 23-3-9 of the Zoning Map be amended to repeal P-D(313) and rezone the property hereinafter described to Low Density Residential Zone, R-1, and

WHEREAS, said matter was set for public hearing before the Council of the City of Modesto in the Council Chambers, City Hall, 801 11th Street, in the City of Modesto, at 4:00 p.m. on August 6, 1985, at which time evidence, both oral and documentary, was taken and introduced,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended rezoning of Planned Development Zone, P-D(313), to Low Density Residential Zone, R-1, is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 85-138, and quoted above.

SECTION 2. ZONING CHANGE. Section 23-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(313), to Low Density Residential Zone, R-1:

All that real property situate in the north half of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Beginning at the southeast corner of the East 490 feet of the South 504 feet of the West half of Lot 5 of the O. McHenry Ranch as shown in Volume 2 of Maps at Page 7, Stanislaus County Records, said point being on the centerline of present 60 foot wide Orangeburg Avenue; thence North $89^{\circ}27'15''$ West on the south line of said East 490 feet of the South 504 feet of the West half of said Lot 5 and the centerline of said Orangeburg Avenue, 490.04 feet to the southwest corner of the East 490 feet of the South 504 feet of the West half of said Lot 5; thence North $0^{\circ}14'00''$ West on the west line of the East 490 feet of the South 504 feet of the West half of said Lot 5, a distance of 136.22 feet to the beginning of a curve concave to the north having a radius of 180 feet, a central angle of $97^{\circ}00'06''$ and from which point the radius point of said curve bears North $48^{\circ}11'29''$ East; thence southeasterly and northeasterly on the arc of said curve 304.74 feet to a point of cusp with a curve concave to the north having a radius of 180 feet a central angle of $101^{\circ}24'29''$ and from which point the radius point of said curve bears North $11^{\circ}57'14''$ East; thence southeasterly and northeasterly on the arc of said curve 318.58 feet; thence South $89^{\circ}27'15''$ East 2.39 feet to the east line of the East 490 feet of the South 504 feet of the West half of said Lot 5; thence South $0^{\circ}14'00''$ East on said east line 316.71 feet to the point of beginning of this description.

and

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3)

prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of August, 1985, by Councilmember Sutton, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Patterson, Sutton, Whitesdie and
and Mayor Mensinger.

NOES: Councilmembers: None.

ABSENT: Councilmembers: Lang and Muratore.

APPROVED:


PEGGY MENSINGER, Mayor

ATTEST:

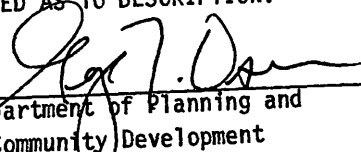
By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Department of Planning and
Community Development

**Ordinance 2361 C.S.
Exhibit A – Map**

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13th day of August, 1985, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None.

ABSENT: Councilmembers: None.

APPROVED

Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle
NORRINE COYLE City Clerk

EFFECTIVE DATE: September 12, 1985

ORDINANCE NO. 2362 -C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MODESTO AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF MODESTO AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

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

SECTION 1. AMENDMENT TO CONTRACT. That an amendment to the contract between the City Council of the City of Modesto and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked "Exhibit A", and by such reference made a part hereof as though herein set out in full.

SECTION 2. AUTHORIZATION TO EXECUTE AMENDMENT TO CONTRACT. The City Manager of the City of Modesto is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said City of Modesto.

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

SECTION 4. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of August, 1985, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Patterson, Sutton, Whiteside and Mayor Mensinger.

NOES: Councilmembers: None.

ABSENT: Councilmembers: Lang and Muratore.

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



AMENDMENT TO CONTRACT
BETWEEN THE
BOARD OF ADMINISTRATION
OF THE
PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND THE
CITY COUNCIL
OF THE
CITY OF MODESTO

The Board of Administration, Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of above public agency, hereinafter referred to as Public Agency, having entered into a contract effective August 1, 1946, and witnessed July 27, 1946, and as amended effective December 1, 1950, July 1, 1956, July 1, 1959, November 1, 1959, January 1, 1960, October 1, 1962, January 1, 1969, May 1, 1973, May 1, 1974, June 24, 1975, March 28, 1978, July 4, 1978, November 1, 1980, October 20, 1981 and June 29, 1982, which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

A. Paragraphs 1 through 12 are hereby stricken from said contract as executed effective June 29, 1982, and hereby replaced by the following paragraphs numbered 1 through 13 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 60 for local miscellaneous members, age 55 for local police members and age 50 for local fire members.
2. Public Agency shall participate in the Public Employees' Retirement System from and after August 1, 1946 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Local Fire Fighters (herein referred to as local safety members);
 - b. Local Police Officers (herein referred to as local safety members);
 - c. Employees other than local safety members (herein referred to as local miscellaneous members).

4. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
- a. POLICE COURT EMPLOYEES; AND
 - b. ALL HOURLY RATED OR HOURLY BASIS EMPLOYEES HIRED ON AND AFTER OCTOBER 1, 1962.
5. Assets heretofore accumulated with respect to local safety members in the local retirement system have been transferred to the Public Employees' Retirement System and applied against the liability for prior service incurred thereunder. That portion of the assets so transferred representing the accumulated contributions (plus interest thereupon) required of the employees under said local system has been credited to the individual membership account of each such employee under the Public Employees' Retirement System.
6. The fraction of final compensation to be provided for local miscellaneous members for each year of credited prior and current service shall be that provided in Section 21251.13 subject to the reduction provided therein for service on or after January 1, 1956 and prior to June 30, 1978 for members whose service has been included in Federal Social Security (2% @ 60 Full and Modified).
7. The fraction of final compensation to be provided for each year of credited prior and current service as a local police member shall be determined in accordance with Section 21252.1 of said Retirement Law (One-half pay at age 55 Full).
8. The fraction of final compensation to be provided for each year of credited prior and current service as a local fire member shall be determined in accordance with Section 21252.01 of said Retirement Law (2% at age 50 Full).
9. The following additional provisions of the Public Employees' Retirement Law, which apply only upon election of a contracting agency, shall apply to the Public Agency and its employees:
- a. Section 21222.1 (Special 5% Increase - 1970). Legislation repealed said Section effective January 1, 1980.
 - b. Section 21222.2 (Special 5% Increase - 1971). Legislation repealed said Section effective January 1, 1979.
 - c. Section 21222.6 (Special 15% Increase for Local Miscellaneous Members).

- d. Sections 21380-21387 (1959 Survivor Program) excluding Section 21382.2 (Increased 1959 Survivor Benefits) for local safety members.
- e. Sections 21380-21387 (1959 Survivor Program) including Section 21382.2 (Increased 1959 Survivor Benefits) for local miscellaneous members.
- f. Section 20024.2 (One-Year Final Compensation) for local miscellaneous members hired prior to October 20, 1981.
- g. Section 21298 (Increased Non-Industrial Disability Allowance) for local miscellaneous members who retired on non-industrial disability after June 14, 1975.
- h. Sections 21263, 21263.1 and 21263.3 (Post-Retirement Survivor Allowance) for local safety members and local miscellaneous members hired prior to October 20, 1981.
- i. Section 21222.85 (Special 3%-15% Increase) for or on behalf of those local miscellaneous members and those local safety members who retired or died prior to January 1, 1974.
- j. Section 20461.6 (Reduction of Benefits), applied to Sections 20024.2, 21263, 21263.1 and 21263.3 for local miscellaneous members hired on or after October 20, 1981.
10. Public Agency, in accordance with Government Code Section 20740, ceased to be an "employer" for purposes of Section 20759 of the Public Employees' Retirement Law effective on March 28, 1978. Accumulated contributions of Public Agency as of the aforementioned date shall be fixed and determined as provided in Government Code Section 20759, and accumulated contributions as of the aforementioned date and contributions thereafter made shall be held by the Board as provided in Government Code Section 20759.
11. Public Agency shall contribute to said Retirement System as follows:
- a. With respect to local miscellaneous members, the agency shall contribute the following percentages of monthly salaries earned as local miscellaneous members of said Retirement System:
- (1) 0.442 percent until June 30, 2000 on account of the liability for prior service benefits. (Subject to annual change.)
 - (2) 15.491 percent until June 30, 2000 on account of the liability for current service benefits. (Subject to annual change.)

- (3) 0.066 percent until June 30, 2000 on account of the liability for the 1959 Survivor Program. (Subject to annual change.)
- (4) 0.143 percent until June 30, 1995 on account of the liability for the benefits provided under Section 21222.85 of said Retirement Law. (Subject to annual change.)
- (5) 0.122 percent until June 30, 2000 on account of the liability for the benefits provided under Section 21222.72 of said Retirement Law. (Subject to annual change.)
- b. With respect to local safety members, the agency shall contribute the following percentages of monthly salaries earned as local safety members of said Retirement System:
- (1) 0.069 percent until June 30, 2000 on account of the liability for prior service benefits. (Subject to annual change.)
- (2) 18.686 percent until June 30, 2000 on account of the liability for current service benefits. (Subject to annual change.)
- (3) 0.085 percent until June 30, 2000 on account of the liability for the 1959 Survivor Program. (Subject to annual change.)
- (4) 0.163 percent until June 30, 1995 on account of the liability for the benefits provided under Sections 21222.85 of said Retirement Law. (Subject to annual change.)
- (5) 0.139 percent until June 30, 2000 on account of the liability for the benefits provided under Section 21222.72 of said Retirement Law. (Subject to annual change.)
- c. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
- d. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

12. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

13. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within thirty days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____, 19____.

Witness our hands the _____ day of _____, 19____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
OF THE
CITY OF MODESTO

BY _____
SIDNEY C. McCAUSLAND,
EXECUTIVE OFFICER

BY _____
Presiding Officer

Approved as to form:

Attest:

Legal Office, Date

Clerk

PERS CON-702

PLEASE DO NOT SIGN "EXHIBIT ONLY"

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 September, 19 85, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 3, 1985

