

ORDINANCE NO. 2430-C.S.

AN ORDINANCE GRANTING THE APPEAL OF MID-VALLEY ENGINEERING ON BEHALF OF ALLEN GRANT TO THE DECISION OF THE PLANNING COMMISSION RELATING TO AN AMENDMENT TO SECTIONS 14-3-9 AND 23-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM DENSITY RESIDENTIAL ZONE, R-2, TO LOW DENSITY RESIDENTIAL ZONE, R-1, PROPERTY LOCATED ON THE SOUTH SIDE OF MERLE AVENUE WEST OF ROSELLE AVENUE, EXTENDED (GRANT CONSTRUCTION CO., INC.)

WHEREAS, a verified application for an amendment to Sections 14-3-9 and 23-3-9 of the Zoning Map was filed by Grant Construction Co., Inc. on March 28, 1986, to reclassify from Medium Density Residential Zone to, R-2, to Low Density Residential Zone, R-1, property located on the South Side of Merle Avenue West of Roselle Avenue, extended, the hereinafter described property, and

WHEREAS, a public hearing was held by the Planning Commission on May 5, 1986, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after considering said evidence, the Planning Commission found and determined that rezoning of the property as requested is not required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 86-83, and

WHEREAS, an appeal to the decision of the Planning Commission's denial of the request to reclassify from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1, property located on the South Side of Merle Avenue West of Roselle Avenue, extended, was filed with the Office of the City Clerk by Mid-Valley Engineering on behalf of Allen Grant by letter dated May 6, 1986, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on June 3, 1986, and

WHEREAS, after hearing evidence both oral and documentary the Council found and determined that said appeal to the denial of the requested rezoning of the property from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1, property located on the South Side of Merle Avenue West of Roselle Avenue, extended, should be granted for the following reasons:

1. Subsequent to the Planning Commission denial of the rezoning the applicant filed an additional application to rezone the area of lots fronting on Merle Avenue from R-2 to R-1 which would avoid the potential for multiple driveways onto the collector street.
2. The downzoning from R-2 to R-1 permits less intensive uses and reduces traffic impacts in the area.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. APPEAL GRANTED. The appeal of Mid Valley Engineering on behalf of Allen Grant to the decision of the Planning Commission to reclassify the above described property from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1, property located on the South Side of Merle Avenue West of Roselle Avenue, extended, is hereby granted for the reasons set forth above, and the decision of the Planning Commission denying said rezoning is hereby overruled.

SECTION 2. ZONING CHANGE. Sections 14-3-9 and 23-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1:

All that certain real property situate in a portion of Parcel "B" as shown on map filed for record in Book 37 of Parcel Maps at Page 64, Stanislaus County Records, lying in a portion of the Southeast Quarter of Section 14, and the Northeast quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

BEGINNING at the southwest corner of said Parcel "B"; thence North $0^{\circ}18'19''$ East, a distance of 1117.02 feet; thence South $88^{\circ}49'44''$ East 635.07 feet; thence South $0^{\circ}18'19''$ West 415.43 feet; thence Southerly 70.77 feet, along a tangent curve concave to the west, having a radius of 500.00 feet and a central angle of $8^{\circ}06'35''$, to a point of reverse curve; thence Southerly 70.77 feet along said reverse curve, concave to the east, having a radius of 500.00 feet and a central angle of $8^{\circ}06'35''$; thence South $0^{\circ}18'19''$ West 137.80 feet; thence Southerly 83.87 feet along a tangent curve, concave to the east, having a radius of 350.00 feet and a central angle of $13^{\circ}43'45''$, to a point of reverse curve; thence Southerly 83.87 feet along said reverse curve, concave to the west, having a radius of 350.00 feet and a central angle of $13^{\circ}43'45''$; thence South $0^{\circ}18'19''$ West 125.00 feet; thence North $89^{\circ}41'41''$ West 25.00 feet; thence South $0^{\circ}18'19''$ West 128.98 feet to the south line of said Parcel "B"; thence North $89^{\circ}02'56''$ West along said south line of Parcel "B" a distance of 620.04 feet to the point of beginning.

Including also all of 140.00-foot wide M.I.D. Lot Number 3 and the northern one-half of 120.00-foot wide Briggsmore Avenue immediately adjacent to the above described property.

SECTION 3. ZONING MAP. Sections 14-3-9 and 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 3rd day of June, 1986, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Stan T. Yamamoto*
STAN T. YAMAMOTO, Acting City Attorney

APPROVED AS TO DESCRIPTION:

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

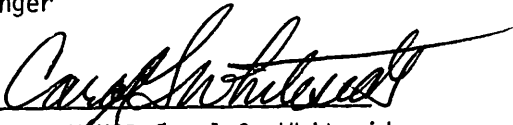
**Ordinance 2430 C.S.
Exhibit A – Map**

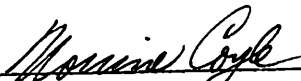
Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

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 17th day of June, 1986, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED 
ACTING MAYOR Carol G. Whiteside

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 17, 1986

ORDINANCE NO. 2431 -C.S.

AN ORDINANCE AMENDING SECTION MAP 22-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D(405), PROPERTY LOCATED ON THE EAST SIDE OF SANTA PAULA DRIVE NORTH OF EAST ORANGEBURG AVENUE. (WESTVAIL, INC.)

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

SECTION 1. ZONING CHANGE. Section 22-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(405):

All that certain real property situate on a portion of the Northeast quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, described as follows:

Parcel 1, as shown on the Official map recorded in Book 37 of Parcel Maps at Page 44, Stanislaus County Records.

Including also all of the Eastern one half of 50.00-foot wide Santa Paula Drive immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(405) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. Senior citizens housing complex.
2. Off-street parking as shown on the approved development plan.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of June, 1986, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto
STAN T. YAMAMOTO, Acting City Attorney

APPROVED AS TO DESCRIPTION:

By Altman Priddy
Department of Planning and
Community Development

Ordinance 2431 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 10th day of June, 1986, Councilmember Sutton moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 10, 1986

ORDINANCE NO. 2432 -C.S.

AN ORDINANCE ADDING ARTICLE 8 TO CHAPTER 1 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO THE DESIGNATION OF AREAS OF BENEFIT TO BE ASSESSED FOR THE COST OF PUBLIC FACILITIES.

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

SECTION 1. AMENDMENT OF CODE. Article 8 is hereby added to Chapter 1 of Title VII of the Modesto Municipal Code to read as follows:

ARTICLE 8. PROCEDURAL ORDINANCE FOR FINANCING OF PUBLIC FACILITIES IN THE CITY OF MODESTO.

SEC. 7-1.801. PURPOSE.

- (a) The City of Modesto, pursuant to the home rule provisions of Article 11, Section 5, of the California Constitution, may make and enforce all ordinances and regulations with respect to municipal affairs.
- (b) The City of Modesto, pursuant to Article 11, Section 7, of the California Constitution, may make and enforce all ordinances not in conflict with general laws.
- (c) The purpose of this ordinance is to implement, in part, the Modesto Urban Area General Plan. The General Plan's Land Use and Circulation Elements establish objectives for meeting needs of future urban development. The General Plan states that certain public facilities should be financed by special assessment proceedings, considerations from developers, the City's general fund or some combination thereof. The City Council finds and declares that this ordinance is intended to establish procedures for the implementation of policies for lands that will receive special benefits from the acquisition, construction, and improvement of certain public facilities set forth in this Article and the imposition of special assessments is necessary on land related to benefits received.

SEC. 7-1.802. AREAS OF BENEFIT AUTHORIZED.

In order that the burdens of the cost of constructing public facilities may be borne by all of the lands benefited thereby, Areas

of Benefit may be designated and Facilities Benefits Assessments, as defined in Section 7-1.803, chargeable to and against such land may be imposed in accordance with procedures set forth in this Article.

SEC. 7-1.803. DEFINITIONS.

Unless the context requires otherwise, the definitions set forth in this Section shall apply to the following terms as used in this Article:

- (a) "Advance" means amounts expended by the City or other governmental entity towards the costs of a Public Facilities Project within or for the benefit of an Area of Benefit and for which the City shall be reimbursed from Facilities Benefit Assessments;
- (b) "Area(s) of Benefit" means lands which are designated as receiving special benefits from the construction, acquisition and improvement of Public Facilities Project(s) as established by a Resolution of Designation adopted by the City Council pursuant to this Article;
- (c) "Building Permit" means the permit issued or required for the construction of any structure in connection with the development of land pursuant to and as defined by the Uniform Building Code;
- (d) "Capital Program" means a plan for the implementation and financing of Public Facilities Projects including but not limited to a schedule for the commencement of construction, the estimated cost of construction and the payment of Facilities Benefit Assessments;
- (e) "Construction" means design, acquisition of property, administration of construction contracts, actual construction and incidental costs related thereto;
- (f) "Contribution" means amounts expended by the City or other governmental entity toward the cost of a Public Facilities Project in relation to the general benefit received by the City for construction of the Public Facilities Project;
- (g) "Costs" mean amount spent or authorized to be spent in connection with the planning, financing, acquisition and development of a Public Facilities Project including, without limitation, the costs of land, construction,

engineering, administration, and legal and financial consulting fees;

- (h) "Development" means the division of land, grading or original construction of an improvement to real property, which division of land, grading, or construction is of the type normally associated with urban development as opposed to agriculture activity;
- (i) "Facilities Benefit Assessment(s)" means the amounts collected under the terms of this Article to provide funds for Public Facilities Project(s) which will benefit designated Areas of Benefit;
- (j) "Public Facilities Project" means any and all public improvements the need for which is directly or indirectly generated by development, including but not limited to the following:
 - (1) Water mains, pipes, conduits, tunnels, hydrants, and other necessary works and appliances providing water service.
 - (2) Lines, conduits and other necessary works and appliances for providing electric power service.
 - (3) Mains, pipes and other necessary works and appliances for providing gas service.
 - (4) Poles, posts, wires, pipes, conduits, lamps and other necessary works and appliances for lighting purposes.
 - (5) Sidewalks, crosswalks, steps, safety zones, platforms, seats, statutory, fountains, culverts, bridges, curbs, gutters, tunnels, subways or viaducts, parks and parkways, recreation areas, including all structures, buildings and other facilities necessary to make parks and parkways and recreation areas useful for the purposes for which intended.
 - (6) Sanitary sewers or instrumentalities of sanitation, together with the necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, tunnels, channels or other appurtenances.

- (7) Storm drains, tunnels, sewers, conduits, culverts and channels for drainage purposes; with necessary inlets, outlets, pumps, retention basins, percolation basins, energy dissipation structures, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, channels and appurtenances.
- (8) Pipes, hydrants and appliances for fire protection.
- (9) Retaining walls, embankments, buildings and any other structures or facilities necessary or suitable in connection with any of the work mentioned in this section.
- (10) Compaction of land, change of grade or contours, construction of caissons, retaining walls, drains and other structures suitable for the purpose of stabilizing land.
- (11) Works, systems or facilities for the transportation of people, including rolling stock and other equipment appurtenant thereto.
- (12) All other work auxiliary to that described in subparagraph (11) which may be required to carry out that work, including terminal and intermediate stations, structures, platforms or other facilities which may be necessary for the loading of people into and unloading of people from such transportation facilities.
- (13) The grading or regrading, the paving or repaving, the planking or replanking, the macadamizing or remacadamizing, the graveling or regaveling, and the oiling or reoiling of streets.
- (14) Acquisition, construction, improvement and equipping of library buildings.
- (15) Acquisition, construction, improvement and equipping of fire stations.
- (16) Acquisition, construction, improvement and equipping of temporary and permanent school buildings.

- (17) Acquisition, construction, improvement and equipping of police stations.
- (18) Acquisition, construction and installation of traffic signs, signals, lights and lighting.
- (19) Public works maintenance facilities.
- (20) All of the work auxiliary to any of the above which may be required to carry out that work including but not limited to the maintenance of Public Facilities Projects and administrative, engineering, architectural and legal work performed in connection with establishing, implementing and monitoring Public Facilities Projects.
- (21) Acquisition of any and all property, easements and rights-of-way which may be required to carry out the purposes of the project.

SEC. 7-1.804. INITIATION OF PROCEEDINGS.

Upon the receipt of an application by a landowner or his/her designated agent, or on its own motion, the City Council may initiate proceedings for the designation of an Area of Benefit by adopting a resolution stating its intention to do so. The City Council shall refer the proposed Public Facilities Project to the City Manager and shall direct said City Manager with the assistance of City departments and, where appropriate, interested landowners to make and file with the City Clerk a report in writing which shall contain:

- (a) (i) An implementation program for future development and/or (ii) a financing plan with respect to the proposed Public Facilities Project.
- (b) A general description of the proposed Public Facilities Project.
- (c) An estimate of the total costs of the Public Facilities Project(s) based on the projected time for commencement and completion thereof in accordance with the Capital Improvement Program.

- (d) A Capital Program establishing a schedule for the timing of construction of the Public Facilities Project and the estimated costs therefor.
- (e) A diagram showing the Area of Benefit to be designated and the boundaries and dimensions of the subdivision of land within the Area of Benefit.
- (f) Preliminary information concerning the method pursuant to which the costs are proposed to be apportioned among the parcels within the Area of Benefit and proportioned to the estimated benefits to be received by those parcels and a preliminary estimate of the amount of the Facilities Benefit Assessments which will be charged to each such parcel.
- (g) The amount of the contribution or advance, if any, which the City or other public entity will make toward the total cost of the Public Facilities Project(s).
- (h) If the Area of Benefit includes lands lying within the boundaries of any one or more other cities, or the County of Stanislaus; whether or not the legislative body of any such other city or the County of Stanislaus has consented to the inclusion of such lands within the proposed Area of Benefit, the proposed Public Facilities Project to be constructed within such boundaries, and the assumption of jurisdiction over said lands for the purposes enumerated in this Article. Said consent shall be evidenced by a resolution of the appropriate legislative body and shall, of itself, constitute assent to the assumption of jurisdiction over said lands for all the purposes enumerated in this Article and shall authorize the City of Modesto to take each and every step required for or suitable for the consummation of the work extending outside the boundaries of the City of Modesto and including but not limited to the levying, collecting and enforcement of the assessments hereinafter referred to.

SEC. 7-1.805. RESOLUTION OF INTENTION.

Upon receipt of the Report described in Section 7-1.804 and the required resolutions of consent referred to in subdivision (h) thereof, the City Council may declare its intention to designate an Area of Benefit by adopting a Resolution of Intention which shall include the following:

- (a) A definitive description of the specific Public Facilities Project, the cost of which is proposed to be charged to the properties located within the Area of Benefit;
- (b) A Capital Program with respect to the Public Facilities Project(s);
- (c) The proposed boundaries of the Area of Benefit;
- (d) Information concerning the method by which the costs are proposed to be apportioned among the parcels within the Area of Benefit and an estimate of the amount of the Facilities Benefit Assessments which will be charged to each such parcel;
- (e) The basis and methodology by which automatic annual increases in the Facilities Benefit Assessment will be computed, assessed and levied, without the necessity for further proceedings pursuant to Section 7-1.813, if, in the discretion of the City Council, such automatic annual increases are determined to be necessary;
- (f) The amount of the contribution or advance, if any, which the City or other public entity will make toward the total cost; and
- (g) The time and place at which the City Council will hold a hearing to consider designation of the Area of Benefit.

SEC. 7-1.806. NOTICE OF HEARING.

Notice of hearing shall be provided by publication of the Resolution of Intention in a newspaper of general circulation at least two weeks before the date set for the hearing and by mailing copies of the Resolution of Intention to the owners of the properties located within the proposed Area of Benefit at the addresses shown on the last equalized assessment roll, or as otherwise known to the City Clerk; or by any other means which the City Council finds reasonably calculated to apprise affected landowners of the hearing.

SEC. 7-1.807. PROTESTS.

At any time not later than the close of the public hearing, any owner of property within the proposed Area of Benefit may file a written protest against the Public Facilities Project proposed to be

undertaken, or against the extent of the area to be benefited by it, or against the Facilities Benefit Assessments proposed to be levied within the Area of Benefit or against any or all of the foregoing. The protest must be in writing, signed by the protester, and must contain a description of the property in which the signer is interested. The description must be sufficient to clearly identify the property. If the signer is not shown on the last equalized assessment roll as the owner of that property, the protest must contain or be accompanied by written evidence that the signer is the owner of the property. All such protests shall be delivered to the City Clerk, and no other protests or objections shall be considered. Any protest may be withdrawn by the owner's requesting the same, in writing, at any time prior to the conclusion of the public hearing.

SEC. 7-1.808. HEARING.

At the time and place established in the Resolution of Intention, the City Council shall hear and consider protests filed against the proposed Public Facilities Project, the extent of the Area of Benefit, the amount of the Facilities Benefit Assessments proposed to be levied within the Area of Benefit, or any or all of the foregoing. The hearing may be continued from time to time. If within the time when protests may be filed, there is filed with the City Clerk a written protest by the owners of more than one-half of the area of the property proposed to be included within the Area of Benefit, and if sufficient protests are not withdrawn so as to reduce the area represented to less than one-half, then the proposed proceedings shall be abandoned unless the protests are overruled by an affirmative vote of four-fifths of the members of the City Council. The City Council shall not overrule a majority protest unless it finds that the public health, safety or general welfare require that provision be made for the installation of the proposed Public Facilities Project(s). In the event a majority protest is not withdrawn or overruled, the City Council shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same Public Facilities Project under the provisions of this Article. If any majority protest which is not withdrawn or overruled is directed against only a portion of the Public Facilities Project, then all further proceedings under the provisions of this Article to construct that portion of the Public Facilities Project so protested against shall be barred for a period of one year; but the City Council shall not be barred from commencing new proceedings, not including any part of the Public Facilities Project so protested against. Nothing in this section shall prohibit the City Council within a one-year period, from commencing and carrying on new proceedings for the construction of a

portion of the Public Facilities Project so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property to be benefited are in favor of going forward with such portion of the Public Facilities Project.

SEC. 7-1.809. RESOLUTION OF DESIGNATION.

At the conclusion of the hearing, and provided there is no majority protest or a majority protest is overruled, the City Council may adopt a Resolution of Designation ordering designation of the Area of Benefit and the establishment of the amount of the Facilities Benefit Assessment against each parcel within the Area of Benefit. The resolution shall include the following:

- (a) A definitive description of the Public Facilities Project(s), the cost of which is to be charged to the properties located within the Area of Benefit;
- (b) A Capital Program with respect to the Public Facilities Project;
- (c) The boundaries of the Area of Benefit;
- (d) The method by which the costs are to be apportioned among the parcels within the Area of Benefit and the amount of the Facilities Benefit Assessments which will be charged to each such parcel;
- (e) The basis and methodology by which automatic annual increases in the Facilities Benefit Assessment will be computed, assessed and levied, with the necessity for further proceeding pursuant to Section 7-1.813, if, in the discretion of the City Council, such automatic annual increases are determined to be necessary;
- (f) The amount of the contribution or advance, if any, which the City or other public entity will make toward the total cost.

SEC. 7-1.810. FILING OF MAP AND RECORDING OF NOTICE OF ASSESSMENT AS LIEN.

- (a) After the adoption by the City Council of a Resolution of Designation, the City Manager shall have prepared a map of the boundaries of the Area of Benefit based on said Resolution and file the same with the City Clerk. The

map shall be labeled substantially as follows: (insert name or number of Area of Benefit) Area of Benefit, City of Modesto, Stanislaus County, State of California. The map shall also contain legends reading substantially as follows:

- (1) Filed in the office of the City Clerk this day of _____, 19____.

City Clerk, City of Modesto

- (2) Facilities Benefit Assessments were levied by the City Council on lots, pieces and parcels of land shown on this diagram. Said assessments were levied on _____, 19____; the diagram and the assessment roll were recorded in the office of the City Clerk of said city on _____, 19____. Reference is made to the assessment roll recorded in the office of the City Clerk for the exact amount of each Facilities Benefit Assessment levied against each parcel of land shown on this diagram.

City Clerk, City of Modesto

- (3) Filed on _____, 19____, at o'clock __M. in Book _____ of Maps of Assessment District in the office of the County Recorder of the County of Stanislaus, State of California.

County Recorder of the County of Stanislaus

The clerk shall file a copy of the diagram referred to in this subparagraph in the office of the County Recorder of the County of Stanislaus upon payment of the filing fee.

- (b) After recording the assessment and diagram in this office, the City Clerk shall execute and record a notice of assessment in the office of the County Recorder of Stanislaus. Such notice of assessment shall be in substantially the following form:

NOTICE OF ASSESSMENT

Pursuant to the requirements of Modesto Municipal Code Section 7-1.810, the City Clerk of the City of Modesto, State of California, hereby gives notice that a diagram and assessment were recorded in the office of the City Clerk relating to the following described property:

(The real property in the Area of Benefit may be described by: (a) stating its exterior boundaries; (b) giving its description according to any official or recorded map or (c) referring to the diagram filed in accordance with paragraph (a) of this section and the book and page number in the office of the County Recorder of the filed plat or map.)

Notice is further given that upon the recording of this notice in the office of the County Recorder, the several Facilities Benefit Assessments assessed on the lots, pieces, and parcels shown on the filed diagram shall become a lien upon the lots or portions of lots assessed, respectively.

Reference is made to the diagram and assessment roll recorded in the office of the City Clerk.

Dated: _____
City Clerk, City of Modesto

- (c) From the date of the recording of the Notice of Assessment in accordance with the provisions of paragraph (b) of this section, all persons shall be deemed to have notice of the contents of such assessment. Immediately upon such recording in the office of the County Recorder each of the assessments shall be a lien upon the property against which it is made.
- (d) In its discretion, and for good cause shown, the City Council may, upon terms and conditions prescribed by the City Council in its Resolution of Designation or thereafter, allow the lien of the Facilities Benefit Assessment to become junior and subordinate to the lien of deed(s) of trust executed by landowners to secure loans to finance the construction of improvements on the property within the Area of Benefit.

SEC. 7-1.811. PAYMENT OF BENEFITS ASSESSMENTS.

After the adoption by the City Council of its Resolution of Designation, no building permits shall be issued for development on any land included within the Area of Benefit unless and until the Facilities Benefit Assessments established by the Resolution of Designation for such lands have been paid. The Facilities Benefit Assessment shall be paid by the landowner upon the issuance of building permit(s) for development or at such time as the Capital Program for the Area of Benefit in which the assessed land is located calls for the payment of the Facilities Benefit Assessment, whichever shall first occur. In the event that a landowner desires to proceed with development of a portion of the landowner's property, based on a phased development program, which is subject to a lien for the total amount of Facilities Benefit Assessments as provided in this Article, the landowner may obtain building permits for the development phase after paying a portion of the Facilities Benefit Assessments and making provision for payment of the remainder of the Facilities Benefit Assessments to the satisfaction of the City Manager. Money received by the City as payment of the Facilities Benefit Assessments shall be deposited in a special fund established for the Area of Benefit and shall thereafter be expended solely for the purposes for which it was assessed and levied. Upon payment of the Facilities Benefit Assessments as provided in this Article, the lien which attaches pursuant to Section 7-1.810 shall be discharged. In the event the partial payment is made based on a phased construction program, the City shall release the portion of the property for which building permits have been issued from the lien of the Facilities Benefit Assessment.

SEC. 7-1.812. RECORDATION OF NOTICE OF PENDENCY OF SALE OR FORECLOSURE.

Where there is a delinquency in payment of the Facilities Benefit Assessments as required by Section 7-1.811, the City may initiate foreclosure proceedings in accordance with the procedures as set forth in this Section and in any and all applicable state and local laws. If a sale or foreclosure is commenced, notice of the pendency of such sale or foreclosure shall be recorded with the County Recorder of Stanislaus County not later than 10 days after commencing an action or proceeding in any court to foreclose the lien of such assessment. The notice of pendency shall state that the City of Modesto has commenced a sale or foreclosure, as the case may be, and shall refer to and identify such sale or foreclosure and shall describe the property affected thereby. The City shall be entitled to recover the cost of recordation of any such notice of pendency in any sale or foreclosure resulting from such delinquency

and provision therefor shall be made in any notice, order or judgment authorizing or providing for such sale or foreclosure.

SEC. 7-1.813. ANNUAL ADJUSTMENT OF FACILITIES BENEFIT ASSESSMENTS.

The City Council may, annually after the adoption of the Resolution of Designation and subject to the requirements set forth in Section 7-1.804 through 7-1.810, cause an adjustment to be made in the Facilities Benefit Assessments established by the Resolution. The adjustments may reflect increases or decreases in the actual cost of the Public Facilities Project or if the Public Facilities Project has not yet been constructed then the estimated cost of the proposed capital improvements as reflected in changes in the scope of the Public Facilities Project or any other indices as the City Council may deem appropriate for this purpose. The modifications may also reflect changes in the improvements proposed to be constructed as well as the availability, or lack thereof of other funds with which to construct the capital improvements.

SEC. 7-1.814. CONSIDERATION IN LIEU OF ASSESSMENT.

The provisions of Section 7-1.811 to the contrary notwithstanding, upon application by the landowner or his authorized agent, the City Council may accept consideration in lieu of the Facilities Benefit Assessments required pursuant to this Article, provided the City Council, upon recommendation of the City Manager, finds that the substitute consideration proposed: (1) has a value equal to or greater than such Facilities Benefit Assessments, (2) is in a form acceptable to the City Council and (3) is within the scope of the Public Facilities Project. The City Council may accept consideration in lieu of the Facilities Assessments required pursuant to this Article where the City Council finds that the substitute consideration proposed is less than the value of such Facilities Benefit Assessment after payment of an amount equal to the difference between the value of the substitute consideration as determined by the City Council and the amount of such Facilities Benefit Assessments.

SEC. 7-1.815. TERMINATION OF AREA OF BENEFIT.

Upon the receipt of an application by a landowner or his authorized agent, or on its own motion, the City Council may initiate proceedings for the termination of an Area of Benefit by adopting a resolution stating its intention. The Resolution of Intention shall state the time and place at which the City Council will hold a hearing to consider such termination. If, at the conclusion of such hearing, the City Council finds and determines that the Public

Facilities Project for which the area was originally formed will not be required in the reasonably foreseeable future, or that the installation of said Public Facilities Project may be financed more effectively by another method, the City Council may adopt a resolution declaring the Area of Benefit terminated.

SEC. 7-1.816. REIMBURSEMENT AND REFUND.

- (a) In the event of an annual adjustment of assessment as provided by Section 7-1.813, which reduces the Facilities Benefit Assessment, amounts in the special fund which are no longer required shall be refunded to the current owner(s) of the property(s) as shown on the last equalized assessment roll in proportion to the amount of the original payments.
- (b) In the event the City Council agrees to accept consideration in lieu of Facilities Benefit Assessments as provided by Section 7-1.814, the value of which the City Council finds is greater than the amount of the otherwise applicable Facilities Benefit Assessments, the Council may enter into an agreement with a landowner pursuant to which said landowner may be reimbursed for the amount of the otherwise applicable Facilities Benefit Assessments. The agreement shall set forth the amount to be reimbursed, and the time and manner in which payments shall be made only from revenues paid into the special fund created for the Area of Benefit.
- (c) Upon termination of an Area of Benefit as provided by Section 7-1.815, any money remaining in the special fund established in connection therewith shall be refunded to the current owner(s) of the property(s) as shown on the last equalized assessment roll in proportion to the amount of the original payments.

SEC. 7-1.817. ALTERNATIVE METHOD.

This Article is intended to establish an alternative method for the spreading of the costs of certain public improvements against the lands which will be benefited thereby; and the provisions of this Article shall not be construed to limit the power of the City Council to utilize any other method for accomplishing this purpose.

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 3rd day of June, 1986, by Councilmember Whiteside, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: McGrath, Patterson, Sutton, Whiteside, 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 Stan T. Yamamoto
STAN T. YAMAMOTO, Acting City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of June, 1986, Councilmember Sutton moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 10, 1986

AN ORDINANCE AMENDING SECTION 12-4.202 OF CHAPTER 4 OF TITLE XII OF THE MODESTO MUNICIPAL CODE RELATING TO GENERAL REGULATIONS REGARDING PARK USE.

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

SECTION 1. AMENDMENT OF CODE. Section 12-4.202 of Chapter 4 of Title XII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 12-4.202. GENERAL REGULATIONS GOVERNING USE OF PARKS.

Except as otherwise authorized by law, it shall be unlawful and a misdemeanor for any person, firm or corporation to do or cause or permit to be done any of the acts hereinafter specified within any park owned or operated by the City of Modesto.

- (1) To enter or trespass in any area, building or facility which is fenced and locked or enclosed and locked.
- (2) To ride or bring any horse or other similar animal or to propel a vehicle in or upon any area of a park, except those areas specifically provided and designated for such purposes, unless prior written permission is obtained from the Director.
- (3) To drive or operate any motor vehicle in any park in excess of fifteen (15) miles per hour.
- (4) To park any automobile or other vehicle in any park at any place other than designated parking areas. Places where parking is permitted shall be designated by appropriate signs.
- (5) To operate gasoline-powered go-carts, model airplanes, boats or midget cars in any park except in designated areas.
- (6) To clean, wash, polish or make other than emergency repairs upon any automobile, motorcycle or self-driven vehicle in any park.
- (7) To carry or bring any firearms, air gun, slingshot, firecrackers or fireworks into any park.

- (8) To make a fire in any park other than in stoves, pits or braziers provided by the City, unless prior written permission is obtained from the Director and a permit is obtained from the Air Pollution Control District for burning in open pits.
- (9) To bring into any park any material which will, if spilled or spread, be injurious to the turf or plant growth.
- (10) To cut or remove any wood, turf, rock, tree, flower, shrub, sand or gravel from any park unless prior written permission is obtained from the Director.
- (11) To throw or dispose of in any park any bottles, tin cans, broken glass, paper, clothes, cast iron, rubbish, soil, tree trimmings, garbage, ashes or other debris of any kind except in approved containers provided by the City.
- (12) To remove, damage or destroy any athletic equipment provided by the City, normal wear and tear excepted.
- (13) To move or remove from one location to another any part or parts of field equipment.
- (14) To move or remove from one location to another any equipment used for park maintenance.
- (15) To open or close any valve pertaining to the water mains or sprinkler system or to expose or interfere with any gas pipe, hydrant, stopcock, sewer, catch basin, backflow preventer, or other similar device in any park.
- (16) To cut, break or deface in any way buildings, equipment, grounds or other facilities of any park.
- (17) To wound, kill or catch any bird or other wild animal in any park.
- (18) To indulge in indecent or riotous conduct or language or to otherwise make noises in such a manner as to disturb any picnic, meeting, concert or exhibition in any park.
- (19) To operate a public address system without prior written permission of the Director. This prohibition shall not include the use of small portable radios used to receive regularly broadcasted programs, as long as such radios are operated at such a volume as not to disturb other persons present in the park.

- (20) To disturb or interfere with any employee of the City of Modesto acting within the scope of his employment, or to disturb or interfere with any spectator or participant in any event or activity conducted in any park, or to enter any park for the purpose of committing any such disturbance or interference.
- (21) To camp or lodge in or upon any park unless prior written permission is obtained from the Director.
- (22) To sell refreshments, foodstuffs or novelties in any park or on any street immediately adjacent thereto without the prior written permission of the Director of the City Council.
- (23) To practice, carry on, conduct or solicit for any trade, occupation, business or profession in any park without the prior written permission of the City Council.
- (24) To play or engage in any game or contest in any park except in such places as are specially provided or designated for that purpose.
- (25) To play upon any tennis courts wearing shoes other than those having vulcanized soles and heels, commonly known as tennis shoes.
- (26) To refuse to open any tennis court being used for singles play to doubles play at the end of the set being played when other persons are waiting, unless prior written permission is obtained from the Director.
- (27) To refuse to relinquish any tennis court being used for doubles play at the end of the set being played when other persons are waiting, unless prior written permission is obtained from the Director.
- (28) To use any tennis courts for tennis tournaments, team practices or other special events of any kind without the prior written permission of the Director or the City Council.
- (29) To play or engage in the hitting of golf balls in any park, except on driving ranges and golf courses.
- (30) To ride bicycles through any children's playground area.

- (31) To discard lighted or unlighted cigars or cigarettes in children's playground areas.
- (32) To wade or swim in any pool in any park except when supervised.
- (33) To use any park facility for which a charge is now or hereafter made without first having paid the fee requested and having received the required permit.
- (34) To enter any park facility for which a charge is made without first paying the full legal charge made for such entrance unless such entrance is by the consent or permission of the person or persons in charge.
- (35) To use any park facility or equipment which has been reserved or which is indicated by an authorized or official sign to have been reserved without first having received the written permission of the Director.
- (36) To remove any authorized or official sign indicating that any park facility or equipment is reserved.
- (37) For any male person to resort to any toilet set apart for women, and for any female person to resort to any toilet set apart for men, provided that this prohibition shall not apply to children accompanied by their father, mother or guardian.
- (38) It shall be unlawful to climb onto any building or structure in a park not designated for such activity.
- (39) To loiter or remain in any park at any time between midnight and 6:00 a.m. of the following morning, except as set forth below or unless prior written permission is obtained from the Director or the City Council.
- (40) The City Manager is authorized to designate certain city parks to be closed between the hours of 10:00 p.m. and 6:00 a.m. when those parks show a continuing pattern of the presence of persons fighting or challenging others to fight, or persons disturbing others by loud and unreasonable noise, or persons who are under the influence of an alcoholic beverage or any drug. These designated parks shall be posted with signs not less than one (1) square foot in area notifying people of the hours of closing.

- (41) It shall be unlawful for any person to enter, remain, or loiter between the hours of 10:00 p.m. of one day and 6:00 a.m. of the next day, within the limits of any park which has been designated by the City Manager pursuant to Section 12-4.202(40).
- (42) The park curfew provisions shall not apply to the entry upon park property in the course of duty of any peace officer or other duly authorized public employee.
- (43) It shall be unlawful for any person without authority to tear down, deface or destroy any sign posted pursuant to the above sections.

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

With the arrival of warmer weather and during the summer months the Modesto Police Department is more frequently called on to monitor and investigate noise and other activities occurring during nighttime hours in City parks. Many of the problems with park activities originate between the hours of 10:00 o'clock p.m. and midnight. It is therefore found that considerable investigative time and expense can be saved, and peace in the area of the parks can be maintained, if an urgency ordinance is enacted to designate earlier curfew hours at certain parks to prohibit persons from remaining in certain parks and to prohibit park activities between the hours of 10:00 o'clock p.m. and 6:00 o'clock a.m. the next day to preserve the public peace. Said parks shall be properly designated and posted.

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

SECTION 4. PUBLICATION. 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 adoption 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 3rd day of June, 1986, by Councilmember Patterson, who moved its introduction and adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried by the following vote:

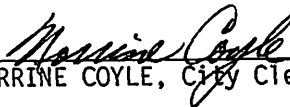
AYES: Councilmembers: Lang, McGrath, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

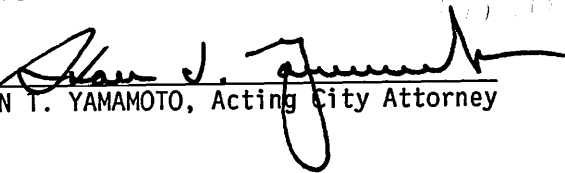
APPROVED: 
PEGGY MENSINGER, Mayor

ATTEST:

By 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
STAN T. YAMAMOTO, Acting City Attorney

ORDINANCE NO. 2434 -C.S.

AN ORDINANCE AMENDING SECTION 7-3.106 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO AIRPORT USE REGULATIONS.

SECTION 1. AMENDMENT OF CODE. Section 7-3.106 of Chapter 3 of Title VII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 7-3.106. REGULATIONS OF USE OF AIRPORT.

Special services may be rendered or special facilities may be provided at the airport on such terms as the Council or the Airport Manager may prescribe from time to time.

- (a) No person shall use the airport as a base for the carrying for hire passengers, freight, express or mail, for instruction in aviation in any of its branches, for the sale of fuels, refreshments, aircraft, or any commodity unless a permit for such activity has been granted by the Council, and the appropriate permit fees have been paid.
- (b) All persons wishing to film, tape, photograph or otherwise record activity that they wish to stage on the airport premises must seek and obtain a permit from the Airport Manager. Applications for such permits must be made a minimum of twenty-four (24) hours in advance of the proposed activity.
 - (1) The Airport Manager may impose reasonable time, place and manner restrictions as conditions of the permit. Appropriate insurance requirements shall be construed as such reasonable restrictions. Other time, place or manner restrictions shall serve the purpose of protecting the public health, safety, welfare and/or preventing interference with the scheduled flights and other regularly occurring or previously scheduled airport activity.

(2) No permit shall be denied on the basis of the content of the proposed film, tape, recording or photograph. However, if an activity that is to be staged for purposes of filming, taping, photographing or recording, or the manner in which such filming, taping, photographing or recording is proposed to be done, presents a physical threat to public health, safety or welfare and such threat cannot be eliminated through the use of time, place or manner restrictions, the Airport Manager may refuse to grant the requested permit. The Airport Manager may also refuse to grant a permit where the proposed activities would substantially interfere with the conduct of normal airport activity and the proposed activities cannot reasonably be restricted to minimize such interference.

(c) The permit requirement contained in Section 7-3.106(b) (above) shall not apply to newscasters, journalists, radio announcers or others who engage in filming, taping, photographing, recording or broadcasting events which transpire at the airport but which were not pre-arranged, created or staged by the individuals, corporations or other groups engaged in the announcing, broadcasting, filming, taping, photographing or related activity.

(d) Both the Council and the Airport Manager shall have the power to restrict the number of persons using the airport facility.

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 10 day of June, 1986, 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: McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger.
NOES: Councilmembers: None
ABSENT: Councilmembers: Lang

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

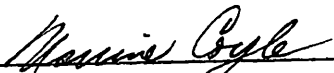
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 17th day of June, 19 86, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Mensinger

APPROVED 
ACTING MAYOR Carol G. Whiteside

ATTEST: 
NORRINE COYLE, City Clerk

EFFECTIVE DATE: July 17, 1986

ORDINANCE NO. 2435-C.S.

AN ORDINANCE AMENDING SECTION MAP 31-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (P & R ENTERPRISES)

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

SECTION 1. ZONING CHANGE. Section 31-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(408), and to prezone the following described property to Planned Development Zone, P-D(408):

R-1 to P-D(408)

All that property situate in the North half of the Southwest quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the Northwest corner of Parcel 1, as shown on the parcel map recorded in Book 16 of Parcel Maps at page 54, Stanislaus County Records; thence North 89°55' East 358.29 feet to the Northeast corner of said Parcel 1; thence South 0°51' East along the East line of said Parcel 1, 252.59 feet to the Northeast corner of Parcel 2 as shown on the parcel map recorded in Book 16 of Parcel Maps at Page 54, Stanislaus County Records; thence South 89°48' West along the North line of said Parcel 2 a distance of 157.29 feet to the Northwest corner of said Parcel 2; thence continuing South 89°48' West 201.00 feet to a point on the West line of the above-referenced Parcel 1; thence North 0°51' West along the West line of said Parcel 1, 253.32 feet to the point of beginning.

Containing: 2.080 acres

Prezone to P-D(408)

All that property situate in the North half of the Southwest quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the Northeast corner of Parcel 1, as shown on the parcel map recorded in Book 16 of Parcel Maps at Page 54, Stanislaus

County Records; thence North 89°55' East along the Easterly prolongation of the North line of said Parcel 1 and the South boundary line of Chablis Lane Subdivision as recorded in Volume 29 of Maps, at page 2, Stanislaus County Records, a distance of 405.90 feet, more or less, to the Southeast corner of said Chablis Lane Subdivision; thence South 0°0'24" West along the Westerly boundary line of Hacienda Villas Subdivision as recorded in Volume 29 of Maps, at Page 10, Stanislaus County Records, a distance of 251.75 feet; thence South 89°48' West, 402.13 feet to the Northeast corner of Parcel 2 as shown on the Parcel Map recorded in Book 16 of Parcel Maps at Page 54, Stanislaus County Records; thence North 0°51' West along the East line of the above-referenced Parcel 1, 252.59 feet to the point of beginning.

Containing: 2.339 acres

SECTION 2. USES. The following uses shall be permitted in said P-D(408) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. A zero lot line, patio home subdivision

SECTION 3. ZONING MAP. Section Map 31-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. 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 24th day of June, 1986, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: Acting Mayor Whiteside

ABSENT: Councilmembers: Mayor Mensinger

APPROVED: *Carol Whiteside*
CAROL WHITESIDE, Acting Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

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

Ordinance 2435 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 15th day of July, 19 86, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: Whiteside

ABSENT: Councilmembers: Mayor Mensinger

APPROVED *Carol Whiteside*
CAROL WHITESIDE, Acting Mayor

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 14, 1986

ORDINANCE NO. 2436-C.S.

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1987, AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS.

WHEREAS, pursuant to the Charter of the City of Modesto, a proposed budget for the 1986-1987 fiscal year has been submitted to the City Council by the City Manager, and the City Council has made such revisions as it has deemed advisable, and

WHEREAS, in accordance with the City Charter, a public hearing has been held upon the adoption of the proposed budget after due notice, as provided by law, and

WHEREAS, copies of the proposed budget have been and are available for inspection by the public at the office of the City Clerk,

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

SECTION 1. That the "City of Modesto Proposed Budget 1986-87", presented by the City Manager to the City Council at its meeting held May 6, 1986, and as thereafter amended by the City Council, a copy of which budget, as amended, is on file in the office of the City Clerk, is hereby adopted as the budget for the City of Modesto for the fiscal year ending June 30, 1987, and the several amounts stated therein as proposed expenditures are hereby appropriated for the various objects therein described.

SECTION 2. That funds of the City of Modesto encumbered on June 30, 1986, are hereby appropriated for the purposes for which they are encumbered and shall be a part of the budget for the fiscal year 1986-1987 adopted hereby.

SECTION 3. That Capital Projects carried over from fiscal year 1985-1986 are hereby re-appropriated as a part of the budget for the fiscal year 1986-1987 adopted hereby. The amount of said appropriations will equal the Reserve for Appropriated Carryover Projects established in the General Ledger Accounts of the City of Modesto for all funds as of June 30, 1986.

SECTION 4. That the City Council is authorized by resolution to transfer funds from one department to another department and to transfer and authorize the expenditure of funds from the Reserved Fund Balances for specific purposes.

SECTION 5. That the City Manager is authorized to transfer funds within departmental budgets between the following classifications, to wit: Employee Services, Professional and Contractual Services, Materials and Supplies, other operating expenses and Capital Appropriations; and to transfer appropriations for capital items budgeted within the same department within the same capital fund.

SECTION 6. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect upon adoption.

SECTION 7. 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 adoption 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 24 day of June, 1986, by Councilmember Lang, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, Muratore, Sutton, Whiteside.

NOES: Councilmembers: McGrath, Patterson.

ABSENT: Councilmembers: Mayor Mensinger

APPROVED: Carol G. Whiteside
~~PEGGY MENSINGER, Mayor~~XXXXXXXXXXXX
CAROL G. WHITESIDE, Acting Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elynn L. Johnson
ELYNN L. JOHNSON, City Attorney

ORDINANCE NO. 2437 -C.S.

AN ORDINANCE AMENDING SECTION MAP 10-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D(406), PROPERTY LOCATED ON THE EAST SIDE OF COFFEE ROAD, SOUTH OF SYLVAN ON THE NORTH SIDE OF PRINCEWOOD LANE. (WESTLAKE ROEMER DEVELOPMENT)

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

SECTION 1. ZONING CHANGE. Section 10-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(406):

All that certain real property situate in a portion of the Southwest quarter of Section 10, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and lying in the City of Modesto, State of California, more particularly described as follows:

COMMENCING at the West quarter corner of said Section 10, said corner being the centerline intersection of Sylvan Avenue and Coffee Road as shown on the map recorded in Book 28 of Parcel Maps, at Page 46, Stanislaus County Records; thence South 0°47'10" East along the West line of said Section 10 and centerline of Coffee Road, 65.25 feet; thence North 89°12'50" East, 50.00 feet to a point on the East right-of-way line of said Coffee Road; thence South 0°47'10" East, along said East right-of-way of Coffee Road, 209.11 feet to the point of beginning of this description; thence North 89°25'37" East, 499.17 feet; thence South 0°34'00" East, 509.02 feet to the beginning of a tangent curve, concave to the Northwest having a radius of 15.00 feet and a central angle of 89°46'50"; thence Southwesterly along the arc of said curve, 23.50 feet; thence South 89°12'50" West, 467.22 feet to the beginning of a tangent curve, concave to the Northeast, having a radius of 15.00 feet and a central angle of 90°00'00"; thence Northwesterly along the arc of said curve, 23.56 feet; thence North 00°47'10" West, 510.81 feet to the point of beginning of this description.

Also including the adjacent one-half of Coffee Road, Kingswood Drive, and Princewood Lane.

SECTION 2. USES. The following use shall be permitted in said P-D(406) Zone if the plan for construction conforms in principle to the

approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

Maximum three-story elderly housing complex.

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

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

SECTION 5. PUBLICATION. 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 1 day of July, 1986, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None.

ABSENT: Councilmembers: None.

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Altham Daniels
Department of Planning and
Community Development

Ordinance 2437 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 15th day of July, 1986, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

EFFECTIVE DATE: August 14, 1986

ORDINANCE NO. 2438 -C.S.

AN ORDINANCE AMENDING ARTICLE 2 OF CHAPTER 1 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO SCHOOL SITE AND FACILITIES FEES.

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

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

TITLE VIII - FINANCE, REVENUE AND TAXATION

CHAPTER 1. SPECIAL FUNDS.

ARTICLE 2. SCHOOL SITE AND FACILITIES FEES

SEC. 8-1.201. PURPOSE.

The Council of the City of Modesto hereby finds and declares:

- (1) That the continued growth of the City of Modesto with its attendant increase in number of school age children, has created financial problems in the school districts in the City of Modesto in terms of capital outlays for school sites and building construction.
- (2) That traditional capital revenue sources such as bonds and the State School Building Fund are not providing sufficient revenue to meet the capital expenditure needs of the school districts.
- (3) That the needs of the school districts are critical and that provision for additional school sites and facilities is required for the public health, safety and welfare of the people of the City of Modesto.
- (4) That the purpose of this fee is to provide an additional source of revenue for school site acquisition and improvement and buildings in the school districts so that complete school sites and facilities can be provided.
- (5) That the fees required to be paid hereby are assessed pursuant to the police power of the City of Modesto and solely for the purpose of producing

funding and not for the purpose of regulating school district management.

SEC. 8-1.202. DEFINITIONS.

Except where the context otherwise requires, the definitions given in this section govern the construction of this article.

- (a) The term "developer" includes every person, firm or corporation seeking a building permit to construct or install a new dwelling unit or mobile home space, either directly or through the services of any employee, agent, or independent contractor.
- (b) The term "dwelling unit" includes each single-family dwelling and each unit of a multiple unit dwelling structure designed as a separate habitation for one family.
- (c) The term "mobile home space" includes each space in a mobile home park designed to be used for parking a mobile home on a temporary, semi-permanent or permanent basis.
- (d) The term "multiple unit dwelling structure" means:
 - (1) A building designed for and/or occupied by two or more families each such family having its own separate dwelling unit within the building whether such unit be a condominium, apartment or other type of unit.
 - (2) All senior citizen housing projects which legally exclude residents less than sixty-two (62) years of age.
- (e) The term "School Districts" includes all elementary school districts and the Modesto High School District of Stanislaus County located in whole or in part within the City of Modesto.
- (f) The term "single-family dwelling unit" means a detached building designed for or occupied by one family except for any such building which is a part of a senior citizen housing project which legally excludes residents less than sixty-two (62) years of age.

SEC. 8-1.203. FEES: APPLICATION.

The fees imposed pursuant to this article shall be applicable to every new dwelling unit or mobile home space constructed or installed in the City of Modesto.

SEC. 8-1.204. EXEMPTIONS.

- (a) The fees imposed by this article shall not be applicable to those lots on which a dwelling unit was previously situated but which was destroyed by fire or other natural disaster, or which was removed or demolished, provided:
- (1) That a permit to rebuild is obtained within one year of the dwelling unit's or units' destruction, demolition or removal.
 - (2) That the permit to rebuild is obtained by the owner of record as of the date of the dwelling unit's or units' destruction, demolition or removal.
 - (3) That the exemption will apply only to the extent that the permit to rebuild is for the same number or fewer dwelling units as previously existed. The taxes imposed by this article shall be applied to the extent that the permit is for more units than previously existed.

This exemption shall apply retroactively to any dwelling unit destroyed, removed, or demolished on or after the effective date of this article. Any person claiming this exemption shall have the burden of establishing his eligibility for such exemption to the satisfaction of the Chief Building Official.

- (b) In cases where a developer has previously made binding commitments to furnish school districts with funds or other resources, that developer may be partially or totally exempted from fees for some dwelling units or mobile home spaces in the following cases:
- (1) If on the date this ordinance takes effect a developer of dwelling units or mobile home spaces can demonstrate to the satisfaction of the City's Chief Building Official that he has written agreements with all the school districts in which the units or spaces are located and all of these agreements:

- (aa) Provide funding and/or temporary or permanent classroom facilities and/or land for the sites thereof; and
- (bb) Do not contain a term or terms that provide for the automatic termination of the agreement in the event of the City's enactment of a school site and facilities fee.

Then that developer shall be exempt from paying the fees described in Section 8-1.205 (and set by Council resolution) for those dwelling units and spaces covered by the agreements.

- (2) If on the date this ordinance takes effect a developer of dwelling units or mobile home spaces can demonstrate to the satisfaction of the City's Chief Building Official that he has written agreements with one or more, but less than all of the school districts in which the units or spaces are located, then that developer of said units shall be exempt from paying a portion of the fees described in Section 8-1.205 to the following extent:
 - (aa) With regard to each agreement with a school district which meets the conditions contained in both Section 8-1.204(b)(1)(aa) and Section 8-1.204(b)(1)(bb), said agreement shall exempt the developer from paying, for those units or spaces covered by the agreement, that portion of the fees described in Section 8-1.205 and set by Council resolution, as said resolution provides would otherwise be disbursed to that district from the total fees collected for those units or spaces.
 - (bb) With regard to each agreement with a school district which fails to meet either of the requirements set forth in Section 8-1.204(b)(1)(aa) and Section 8-1.204(b)(1)(bb), said agreement shall have no effect upon the developer's obligation to pay the fees described in Section 8-1.205 and set by Council resolution.
- (3) Developers will be exempt from the school site and facilities fees in the following cases where dwelling units or mobile home spaces are located

within a Mello-Roos District (created pursuant to the Mello-Roos Community Facilities Act of 1982 contained in Sections 53311 through 53343 of the Government Code) that provides revenue to the local school district(s):

(aa) If prior to the issuance of a building permit the developer of residential units or mobile home spaces can demonstrate to the satisfaction of the City's Chief Building Official that the lots or parcels upon which the dwelling units or mobile home spaces are to be constructed or installed are part of a Mello-Roos district or districts which has or have provided each of the school districts in which the units or spaces are located with an amount of revenue which is no less than that which each such district would receive if school site and facilities fees in the amount set by Council resolution were collected and distributed amongst the districts in accordance with such resolution, then the developer shall be exempt from having to pay the school site and facilities fees for the units or spaces located in the Mello-Roos district(s).

(bb) If the developer of a residential subdivision is able to demonstrate to the satisfaction of the City's Chief Building Official (prior to the issuance of a building permit) that the lots or parcels upon which the dwelling units or mobile home spaces of the subdivision are to be constructed or installed are part of a Mello-Roos district providing revenue to only one of the districts but in an amount no less than that which would be received by that district if school site and facilities fees in the amount set by Council resolution were collected and distributed amongst the districts in accordance with such resolution, then the developer of said units or spaces shall be exempt under this section only from paying that portion of the fees as would otherwise be distributed to the school district receiving Mello-Roos funds had there been no exemption whatsoever from the amount of fees set by Council resolution.

SEC. 8-1.205. FEES: AMOUNT.

Every person constructing or installing any new dwelling unit or mobile home space in the City of Modesto shall be required to pay a school impact fee:

- (a) All single-family dwelling units to be constructed or installed shall be subject to a fee to be established by the Council by resolution.
- (b) All units contained in multiple unit dwelling structures shall be subject to a fee equal to 60% of that set for single-family dwelling units. Said amount shall be specified in dollar terms in the same council resolution establishing the fee amount for single-family dwelling units.
- (c) Mobile home spaces shall be subject to a fee equal to that established for units contained in a multiple unit dwelling structure and shall also be specified in dollar terms in the same council resolution establishing the fee amount for single-family dwelling units.

SEC. 8-1.206. FEES: TIME OF COLLECTION.

All fees described in Section 8-1.205 shall be collected prior to issuance of any building permit.

SEC. 8-1.207. CREATION OF FUND.

A fund is hereby created for financing school sites and facilities in the City of Modesto.

SEC. 8-1.208. TITLE OF FUND.

Such fund shall be known as the "School Site and Facilities Fund."

SEC. 8-1.209. MONEYS TO BE PLACED IN FUND.

All moneys received by the City of Modesto from school site and facilities fees collected pursuant to Sections 8-1.205 and 8-1.206 shall be placed in said fund.

SEC. 8-1.210. APPLICABLE USES OF MONEYS IN THE FUND.

- (a) All moneys in said fund shall be used only for the following purposes:

- (1) Purchase of land for sites for elementary, junior high (senior elementary), or high schools.
 - (2) Construction, purchasing or leasing of classroom buildings and of on-site facilities necessary to support an elementary, junior high (senior elementary) or high school.
 - (3) School site improvements.
- (b) Each district, within ninety (90) days of the end of that district's fiscal year, shall, through the district's Chief Financial Officer, certify to the Clerk of the City of Modesto that all money received by said district from the City's School Site and Facilities Fund has been expended in compliance with the requirements set forth in Section 8-1.210(a).

SEC. 8-1.211. AGREEMENT AND INDEMNITY.

Each school district as a condition of receiving monies from the School Site and Facilities Fund shall enter into an agreement with the City of Modesto including an indemnity provision in a form to be approved by the City.

SEC. 8-1.212. DISBURSEMENT OF FUNDS.

- (a) All funds collected from developers of dwelling units and mobile home spaces shall be disbursed only to districts within which the units or spaces are located.
- (b) The amounts to be disbursed to each district shall be set by Council resolution.
- (c) All disbursements shall be made on a monthly basis.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after sixty (60) 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 8 day of July, 1986, by Councilmember Whiteside, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Sutton, Whiteside.

NOES: Councilmembers: Mayor Mensinger

ABSENT: Councilmembers: Patterson

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 15th day of July, 1986, Councilmember McGrath 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: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside

NOES: Councilmembers: Mayor Mensinger

ABSENT: Councilmembers: None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 13, 1986

ORDINANCE NO. 2439 -C.S.

AN ORDINANCE ADDING ARTICLE 12 TO CHAPTER 1 OF TITLE IV OF THE MODESTO MUNICIPAL CODE TO ESTABLISH A PERMIT PROCEDURE TO ALLOW SIDEWALK FOOD VENDORS.

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

SECTION 1. AMENDMENT OF CODE. Article 12 is hereby added to Chapter 1 of Title IV of the Modesto Municipal Code to read as follows:

ARTICLE 12. SIDEWALK FOOD VENDORS

SEC. 4-1.1201. DEFINITIONS.

For the purpose of this Article the following words and phrases mean and include:

- (a) Controlled Substance. Any drug which is classified as a Controlled Substance as defined by the California Health and Safety Code.
- (b) Designated Location. A specific location on a public sidewalk which has been allocated by Permit by the City of Modesto for exclusive use in a Vending Cart Operation.
- (c) Operator. Any person who tends a Vending Cart, whether receiving pay or other consideration or not, while upon a public sidewalk within the City of Modesto.
- (d) Permit. A permit issued by the City of Modesto authorizing the use of a Designated Location for use by a Vending Cart Operation. A vending cart for which a permit has been issued shall not be deemed a pushcart.
- (e) Sidewalk Food Vendor. Any person named as permittee on a permit for a Vending Cart Operation. For purposes of Title VI of this code a Sidewalk Food Vendor shall be deemed to be operating from a fixed place of business in the City.
- (f) Vending Cart. A portable cart that is operated from a Designated Location from which food and/or non-alcoholic beverages are provided, with or without charge, to the public.
- (g) Vending Cart Operation. The on-site storage, preparation, sale, and clean up of articles sold from a Vending Cart.

SEC. 4-1.1202. PERMIT REQUIRED.

It shall be unlawful for any person to use, or cause to be used, a Vending Cart upon any public sidewalk in the City of Modesto before obtaining a Permit to do so. This Permit may be issued by the City Manager or his designee after the application has been reviewed and approved by the authorized representatives of the following agencies:

- (a) City of Modesto Office of City Manager
- (b) City of Modesto Office of City Clerk
- (c) City of Modesto Finance Department
- (d) City of Modesto Police Department
- (e) City of Modesto Fire Department

Permits shall be issued for Vending Cart Operations that conform to all requirements of this Article and Rules and Regulations issued pursuant hereto and which will not unduly interfere with the rights of the public or significantly contribute to traffic or other safety hazards. Permits are not transferable. A Permit may be cancelled if a Vending Cart Operation is not commenced at the Designated Location within ninety (90) days after the permit is issued.

SEC. 4-1.1203. FILING FEE.

Each person desiring to secure a Permit shall pay a Filing Fee which shall not be refundable. The amount of the Filing Fee shall be set by resolutions adopted by the City Council from time to time.

SEC. 4-1.1204. CASH DEPOSIT.

Each person desiring to secure a Permit shall pay a cash deposit which shall be in addition to any license deposit required for a business license. This cash deposit is a guarantee that all Public Property Use Fees shall be paid. The amount of the cash deposit shall be set by resolutions adopted by the City Council from time to time.

This cash deposit shall be refunded upon termination of the Permit and upon final payment of all Public Property Use Fees due the City.

The Director of Finance may apply said cash deposit, or any portion thereof, to any Public Property Use Fee due the City from said business. Provided further that the Director may declare said cash deposit forfeited for failure to report and pay the liability to the City within six (6) months after the report becomes delinquent. Such forfeiture shall not relieve or excuse the Permittee from payment of the balance of Public Property Use Fees due and unpaid.

SEC. 4-1.1205. PUBLIC PROPERTY USE FEE.

Each Permittee shall pay a Public Property Use Fee as set by resolutions adopted by the City Council from time to time. Public Property Use Fees are due and payable on the first day of January, the first day of April, the first day of July, and the first day of October for Vending Cart Operation sales conducted during the preceding three month period. The amount paid shall be based upon the adjusted gross income figure as stated on the quarterly business gross receipts tax statement (Mill Tax) provided to the City.

SEC. 4-1.1206. INSURANCE.

The following insurance coverages shall be provided by each permittee:

(a) Comprehensive General Liability in the following amounts:

\$500,000 (Bodily Injury, Product, and Contractual)
\$ 75,000 (Property Damage)

or

\$500,000 Combined Single Limit
(Bodily Injury, Product, Contractual, and
Property Damage)

(b) California Workers' Compensation coverage for all employees.

(c) Certificate(s) evidencing the above required insurance shall be filed with the City Clerk's Office and shall contain:

- (1) Contractual Liability Coverage, the provisions of which verify that the insurance coverage is extended or endorsed to cover the liability assumed by the Permittee;
- (2) Cancellation provisions verifying that coverage may not be cancelled or reduced until at least 30 days written notice has been given to the City Clerk of the intent to cancel or reduce.

SEC. 4-1.1207. RULES AND REGULATIONS.

Rules and Regulations governing the use of Vending Carts and the issuance of Permits shall be established by the City Council by resolutions adopted from time to time. A violation of any provision of the Rules and Regulations enacted pursuant hereto shall be punishable as an infraction as set forth in Section 1-2.01 of this code.

SEC. 4-1.1208. DESIGNATED LOCATION.

The City Council may by resolutions adopted from time to time establish criteria for areas which may be Designated Locations.

SEC. 4-1.1209. INSPECTION OF DOCUMENTS.

A current, legible copy of all permits, licenses, lists, certificates, or other documents required for licensing or permitting of the Vending Cart shall be maintained in the Vending Cart, while in operation, for inspection by any person who has approving authority.

SEC. 4-1.1210. RENEWAL OF PERMIT.

A Permit for a Designated Location that is not revoked may be renewed annually for up to four (4) consecutive years beyond the initial application year. Renewal applications may be made only in November of each year and must be completed by December 15 of the same year. Any Designated Location for which an application has not been completed by December 15 shall be available for selection by any interested individual after January 1 of the following year.

SEC. 4-1.1211. REVOCATION OF PERMIT.

- (a) Whenever it appears to any person who has approving authority that any of the following conditions are being violated, that person may immediately initiate proceedings to revoke the Permit in the manner prescribed herein.
- (1) Violations. A Permittee or Operator may not conduct a Vending Cart Operation in violation of any of the requirements or provisions of this Article or any of the Rules and Regulations established pursuant to this Article.
 - (2) Use of Untrue Information to Secure a Permit. All information supplied by a Permittee in order to secure a Permit must be true and accurate.
 - (3) Unpaid Fees or Taxes. Any part of any fee or tax associated with a Sidewalk Food Vending business license or Permit must be paid within 31 days of the due date.
- (b) The Revocation of a Permit may be initiated by delivering a written notice to the Permittee or Operator in person or by directing a written notice in the United States mail to the Permittee at the address given in the Permit application. A written notice shall in all cases be directed to the Permittee at the address on the Permit application and shall state the reason(s) for and the effective date of the revocation. The

notice shall further state that the Permittee has fifteen (15) days from the date of the notice in which to file a written request for an appeal hearing before the City Manager or his designee.

- (c) If the Permittee fails to properly request a hearing before the City Manager or his designee within said period, the City Manager or his designee may revoke the Permit.
- (d) If a hearing is properly requested, the City Manager or his designee shall provide a hearing within fifteen (15) days after receipt of the written request from the Permittee. The time and place of such hearing shall be given to the Permittee by depositing a notice in the United States mail at least ten (10) days before the hearing to the address given in the Permit application. At the hearing the Permittee may present oral and/or written information concerning why the Permit should not be revoked.
- (e) A determination may be made to either revoke or to continue the Permit. In either case, a written determination shall be mailed to the Permittee, at the address given in the Permit application, within six (6) days of the close of the hearing.

SEC. 4-1.1212. SUSPENSION LEADING TO REVOCATION.

- (a) Whenever it appears to any person who has approving authority that any of the following conditions or any other condition involving threats to the public health or safety, exist, that person may immediately and summarily suspend the Permit. The Vending Cart Operation shall thereupon cease operation pending revocation or reinstatement of the Permit.
 - (1) Violations of this Article. A Permittee or Operator may not conduct a Vending Cart Operation in violation of any of the provisions of this Article or any of the Rules and Regulations established pursuant to this Article so as to threaten the public health and safety.
 - (2) Sale of Controlled Substances. A Permittee or Operator may not be convicted of any crime involving the sale or distribution or possession for sale of any Controlled Substance after securing a Permit or being included upon any List of Operators.
- (b) A summary suspension may be initiated by delivering a written notice to the Permittee or Operator in person or by directing a written notice in the United States mail to the Permittee at the address given in the Permit Application. The written notice shall state the reason(s) for and the effective date of

the summary suspension. The Permittee has five (5) days from the date of the notice in which to request a hearing before the City Manager or his designee.

- (c) If the Permittee fails to properly request a hearing before the City Manager or his designee within said period, the Permit may be revoked.
- (d) If a hearing is properly requested, the City Manager or his designee shall provide a hearing within three (3) days. Notice of the time and place of such hearing shall be given to the Permittee in person or by depositing a notice in the United States mail. At the hearing the Permittee may present oral or written information concerning why the Permit should not be revoked.
- (e) A determination may be made to either revoke the Permit or to remove the summary suspension. In either case, a written determination shall be mailed to the Permittee, at the address given in the Permit application, within two (2) days of the close of the hearing.

SEC. 4-1.1213. APPEAL OF REVOCATION TO CITY COUNCIL.

Any Permittee whose Permit is revoked under this Article shall have the right, after receiving notice in writing of the revocation, to file a written appeal to the City Council pursuant to the provisions of Chapter 4 of Title I of this Code.

SEC. 4-1.1214. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

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

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

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of July, 19 86, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, 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: August 21, 1986

ORDINANCE NO. 2440 -C.S.

AN ORDINANCE AMENDING SECTIONS 11-1.04 AND 11-1.14 OF CHAPTER 1 OF TITLE XI OF THE MODESTO MUNICIPAL CODE RELATING TO WATER RATES AND REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 11-1.04 and 11-1.14 of Chapter 1 of Title XI of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 11-1.04. WATER SERVICE INSTALLATION CHARGES.

Water service installation charges shall be paid by consumers and shall be in accordance with a schedule approved by the Council from time to time by resolution.

The Director of Utility Services is hereby authorized to waive the water service installation charges and require water services to be installed in conjunction with the subdivision of land by developers of subdivisions.

- (a) Water System Fee. When a property connects to the City Water System, consumers shall pay a proportionate share towards the construction and maintenance of the City water system. Payment shall be in accordance with a schedule approved by the Council from time to time by resolution.
- (b) Payment of Water System Fee. In the case of new subdivisions or parcel maps, this charge shall be paid at the time of filing the final subdivision or parcel map. If no parcel or subdivision map is required for the development of the property, then the fee shall be collected upon the issuance of the building permit.

SEC. 11-1.14. RULES AND REGULATIONS.

In addition to all other provisions and requirements of this chapter, the following additional rules and regulations for the use of water are hereby established.

(a) Consumers shall not waste water. The City shall have the right, after giving written notice of water waste, to take one (1) or more of the following actions at the discretion of the Director of Utility Services, if the waste continues:

(1) Install a water meter at the consumer's expense.

(2) Install a flow-restrictive device at the consumer's expense in accordance with guidelines established by the Director of Utility Services and on file in the office of the City Clerk and Director of Utility Services.

(3) Install or require the installation of any other water conservation device required by resolution of the City Council.

(b) All water services installed shall have a wheel valve where the service pipe enters the house and/or structure.

(c) In making plumbing connections, the consumer shall comply with the regulations of the State and County Department of Public Health. Such regulations prohibit (1) unprotected cross-connections between a public supply and any unapproved source of water and (2) water service to premises where there is a possibility of contaminated water backflowing into the public water system. In addition, approved double check valves or other protective devices shall be installed on water services when (1) another source of water, whether cross-connected or not, is in use or is available for use; or (2) contaminating liquid substances of any kind are used, produced or processed. The Director of Utility Services shall determine the type, design and layout of backflow control devices required at each premises, and the devices shall be installed at the expense of the consumer. The control devices shall be inspected, tested and approved by the Director of Utility Services as a condition of service to the premises.

(d) Regulations of the California State Department of Public Health require the owner of any premises on or for which check valves or other protective devices are installed to inspect these devices for watertightness and reliability at least once per year. Double check valves and other projective devices may, in addition, be inspected and tested for watertightness by the City at any time. If the inspection cannot be made without undue difficulty because of an obstruction or other interference, the consumer will be notified and requested either to correct the condition or have the inspection made at his own expense and

witnessed by the City. Any defects found in any backflow control device shall be corrected by the consumer within three (3) days. Failure to correct such defects is cause for discontinuance of water service.

- (e) Water bills for unmetered services shall be issued on a bimonthly basis for water service in the months immediately preceding and following the first of the month in which they are issued. The water bills are due and payable upon presentation; and if they are not paid at the end of the month in which they are billed, they shall be considered delinquent. If they are delinquent for more than ten (10) days and a delinquent notice issued by the Director of Finance has been delivered to the user or posted on the premises, a delinquent charge shall be added to the regular service charges; and service shall be subject to being disconnected. If the water service is disconnected because of nonpayment, the service shall not be reconnected until the amount of the delinquent bill, including the delinquent charges and an additional charge for reconnection is paid except where a new owner has acquired title since the delinquent bill was incurred. The delinquent charge and reconnection charge shall be in accordance with a schedule approved by the Council from time to time by resolution.
- (f) Water bills for metered services shall be issued for the two (2) months immediately preceding the date of the meter reading and shall be due and payable upon presentation. If the water bills are not paid at the end of the month in which they are billed, they shall be considered delinquent; and the same procedure and charges as for the unmetered service shall apply.
- (g) No person shall supply water in any way for use outside of the premises to which the service is assigned or appurtenant except by permission from the Director of Utility Services.
- (h) The water charges herein specified will be charged against vacant or untenanted buildings unless notice of the vacancy and a request for discontinuance of service is made to the office of the Director of Finance.
- (i) Access to service connections and water meters must be provided at all times.

- (j) All persons must keep the service pipes in good order at their own expense and may be held liable for damages which may result from their failure to do so. When leaky faucets or fixtures are discovered and not immediately repaired, the water service may be disconnected. Authorized employees of the City of Modesto shall be admitted at all reasonable hours to all parts of any premises supplied with water, except the interior of dwellings, but including the meter box, to see that the regulations contained in this chapter are observed and complied with.
- (k) It shall be unlawful for any person to interfere with the City service lines, valves or meters or to construct a bypass around a meter or service.
- (l) Owners of property will be held responsible for water used on their premises, although payments will be accepted from tenants. In case the tenants do not pay in accordance with the provisions of this chapter, the service may be disconnected and shall not be restored until the delinquent water charges, including the cost of water delivered as well as the cost of reconnecting service, shall have been paid.
- (m) All unpaid accounts for water delivered at any premises shall be a lien against the real property.
- (n) All sprinkler systems installed for the irrigation of lawns and flowers shall be so designed and installed that the water shall not be sprayed or permitted to be sprayed over or upon a sidewalk. Portable sprinklers will not be permitted on the sidewalk, nor may they be placed in such a manner as to spray the water upon sidewalks or so as to prevent pedestrians from using the sidewalks at all times without being struck or wet by the spray from the sprinklers.
- (o) Independent fire sprinkler systems and private fire hydrant systems shall have an "idler assembly" installed in the service line to permit future installation of a check valve and a bypass meter assembly. If the Director of Utility Services determines that an independent fire sprinkler system or private fire hydrant system is being used for other than fire prevention and suppression purposes, he may install a check valve and bypass assembly. The cost of such installation plus ten (10) percent shall be paid by the consumer.

- (p) For the purpose of this chapter, waste is causing, suffering or permitting water:
- (1) To run into any street, road or highway without taking reasonable steps to prevent the same from occurring.
 - (2) To run upon the land of any person or of any public agency unless it is used thereon for irrigation or domestic, commercial or industrial use.
 - (3) To be used for any purpose during hours or day when such use is prohibited by resolution of the City Council.
 - (4) To be used in plumbing fixtures and/or appliances without installation of water conservation devices required by resolution of the City Council.
- (q) When a water connection fee is paid for a particular parcel, it shall be credited to subsequent owners of that parcel. Refunds shall be made for duplicate payments. Additional fees will be required where there are zoning, use or density changes that will increase the fees.
- (r) Additional rules and regulations concerning the operation of the municipal water system and water conservation may be established by the Council from time to time by resolution.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of July, 1986, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, 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: August 21, 1986

ORDINANCE NO. 2441 -C.S.

AN ORDINANCE AMENDING SECTION 5-6.13 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO SANITATION AND HEALTH, SEWAGE COLLECTION AND DISPOSAL, RULES AND REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 5-6.13 of Chapter 6 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-6.13. RULES AND REGULATIONS.

- (a) No person shall discharge, or allow the discharge of, or dump sanitary sewage or industrial waste or other waste matter into the sewage system except in compliance with the terms of and upon payment of the charges provided in this chapter.
- (b) No person shall discharge or allow the discharge of toxic or flammable material or any other material which would be injurious to sewage treatment processes or to the conduits carrying domestic or industrial waste.
- (c) No person shall connect property outside the Sewer District to the sewage system without first obtaining the consent of the City Council and paying the fees and charges imposed by the City. In considering applications for furnishing sewer service to property located outside the Sewer District, the Council may impose such reasonable conditions to the granting of such privilege as it deems to be in the best interest of the City.
- (d) There shall be a separate connection to the sewage system for each building served except that when authorized by the Director, two (2) or more buildings on the same lot may be served by the same sewer connection.
- (e) The value of BOD to be used in determining the strength of waste of an industrial user shall be the average of at least four (4) grab samples taken at reasonable intervals during the billing period.

- (f) Each user shall be responsible for the construction, maintenance and repair of his house sewer line. Each user shall be liable for damages which may result to the sewage system from his failure to keep his house sewer line in good order. A City inspector shall be admitted at all reasonable hours to all parts of any premises connected with the sewage system for purposes of checking the house sewer line and all fixtures and facilities connected thereto.
- (g) When a sewer connection fee is paid for a particular parcel, it shall be credited to subsequent owners of that parcel. Refunds shall be made for duplicate payments. Additional fees will be required where there are zoning, use or density changes that will increase the fees.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of July, 19 86, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, 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: August 21, 1986

ORDINANCE NO. 2442 -C.S.

AN ORDINANCE AMENDING SECTION MAP 17-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(407), PROPERTY LOCATED ON THE EAST SIDE OF SHERWOOD AVENUE, SOUTH OF BOWEN AVENUE. (FRED MILLER)

WHEREAS, the Modesto City School District has stated that its schools have reached capacity and that this rezoning will create problems in serving future students from the proposed development and has requested that the rezoning not be approved until arrangements have been made to resolve school district housing and transportation problems, and

WHEREAS, the Council has considered the school districts' requests and determined that the recently adopted ordinance imposing School Site and Facilities Fees addresses the housing and transportation problems of the school districts, and

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

SECTION 1. ZONING CHANGE. Section 17-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(407):

All that certain real property situate in a portion of the northeast quarter of the southeast quarter of Section 17, Township 3 south, Range 9 east, Mount Diablo Base and Meridian, and lying in the City of Modesto, State of California, more particularly described as follows:

That portion of Lot 5 of the Fresno Tract, according to the official map thereof, filed in the office of the recorder of Stanislaus County, California on 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 center line of the adjacent alley, thence along the center line of said alley, 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.

Including also the east 30 feet of Sherwood Avenue as conveyed to the County of Stanislaus by instrument recorded on October 1, 1954 in Volume 1243, Page 269, Instrument No. 26139.

SECTION 2. USES. The following uses shall be permitted in said P-D(407) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

Four single family dwellings on individual lots with street access by private easement.

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

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

SECTION 5. PUBLICATION. 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 22 day of July, 1986, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk
(OOSEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Altham Priddy
Department of Planning and
Community Development

Ordinance 2442 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 5th day of August, 19 86, Councilmember Whiteside moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 4, 1986

ORDINANCE NO. 2443 -C.S.

AN ORDINANCE AMENDING SECTION MAP 27-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (THOMAS E. HARRINGTON)

WHEREAS, a verified application for an amendment to Section 27-3-9 of the Zoning Map was filed by Thomas E. Harrington on April 17, 1986, to reclassify from Neighborhood Commercial Zone, C-1, to Medium High Density Residential Zone, R-3, the hereinafter described property, and

WHEREAS, after public hearing held on June 2, 1986, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 86-100, adopted on June 2, 1986, the Planning Commission recommended to the Council that the application of Thomas E. Harrington to amend Section 27-3-9 of the Zoning Map to reclassify the hereinafter described property from Neighborhood Commercial Zone, C-1, to Medium-High Density Residential Zone, R-3, be approved, and

WHEREAS, the Modesto City School District has stated that its schools have reached capacity and that this rezoning will create problems in serving future students from the proposed development and has requested that the rezoning not be approved until arrangements have been made to resolve school district housing and transportation problems, and

WHEREAS, the Council has considered the school districts' requests and determined that the recently adopted ordinance imposing School Site and Facilities Fees addresses the housing and transportation problems of the school districts, and

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on July 22, 1986, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The proposed rezoning from C-1 to R-3 is a "downzoning" to a less intensive zone.
2. Development under R-3 zoning will be more compatible with the adjoining residential development to the northwest.

SECTION 2. ZONING CHANGE. Section 27-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Neighborhood Commercial Zone, C-1, to Medium-High Density Residential Zone, R-3:

C-1 to R-3

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

Lot 16 and 17 in Block 2088 of COEY TRACT, according to the Map thereof filed April 8, 1946 in the Office of the County Recorder of Stanislaus County, California in Vol. 14 of Maps, page 48.

Including also all of the west one half of the 20.00 foot wide alley and the East one half of 60.00 foot wide Santa Barbara Avenue immediately adjacent to the above described property.

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

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

SECTION 5. PUBLICATION. 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 Whiteside, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Altham Whiteside
Department of Planning and Community
Development

Ordinance 2443 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 5th day of August, 19 86, Councilmember Whiteside moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 4, 1986

ORDINANCE NO. 2444 -C.S.

AN ORDINANCE AMENDING SECTION MAP 29-3-9 OF THE ZONING MAP TO REPEAL P-D(338) AND REZONE TO C-2, PROPERTY LOCATED ON THE WEST CORNER OF 10TH AND "N" STREETS. (ROBERT JACOBSEN & ASSOCIATES)

WHEREAS, the City Council, by Ordinance No. 2182-C.S., which was adopted on April 5, 1983, and which became effective on May 12, 1983, amended Section Map 29-3-9 of the Zoning Map to reclassify from General Commercial Zone, C-2, to Planned Development Zone, P-D(338) for an office condominium, property located on the west corner of 10th and "N" Streets as requested by Robert Jacobsen & Associates, and

WHEREAS, the Council, by Resolution No. 83-166, adopted on April 5, 1983, approved the development schedule for P-D(338) which specified that the entire construction program be accomplished in one phase, with construction to begin on or before May 1, 1983, and completion to be not later than May 1, 1986, and

WHEREAS, construction in P-D(338) has not proceeded in accordance with the development schedule, and

WHEREAS, Section 10-2.1710(c) of the Modesto Municipal Code provides that if the owner or owners of property in P-D Zones have failed to meet the approved development schedule, the Planning Commission shall initiate proceedings to repeal the P-D Zone and rezone the property to the zone classification it held immediately prior to being zoned P-D, and

WHEREAS, the Planning Commission, by Resolution No. 86-62 adopted on April 7, 1986, initiated proceedings to review and extend the development schedule or to repeal P-D(338) and rezone the property to General Commercial Zone, C-2, and set April 21, 1986 as the date for public hearing, and

WHEREAS, said public hearing was held by the Planning Commission on April 21, 1986, 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 86-72, found and determined that the repeal of Planned Development Zone, P-D(338) and rezoning the property back to General Commercial Zone, C-2, is required by public necessity, convenience and general welfare for the following reasons:

1. P-D(338) did not develop within the time limits of the revised development schedule.
2. Section 10-2.1710(c) of the Municipal Code calls for repeal of expired P-D zones.
3. There has been nothing to indicate that the owners are still pushing development of the condominium project under the P-D(338) Zone.

and

WHEREAS, by Resolution No. 86-72, adopted April 21, 1986, the Planning Commission recommended to the Council that Section Map 29-3-9 of the Zoning Map be amended to repeal P-D(338) and rezone the property hereinafter described to General Commercial Zone, C-2, 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 22, 1986, 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(338), to General Commercial Zone, C-2, is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 86-72, and quoted above.

SECTION 2. ZONING CHANGE. Section 29-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(338), to General Commercial Zone, C-2:

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

All of Lots 14, 15, and 16, City of Modesto, Block 61.

Including also all of the southwestern 40 feet of 10th Street, the northwestern 40 feet of "N" Street, and the northeastern 10 feet of the alley in said Block 61 and all immediately adjacent to the above described property.

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

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

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

Ordinance 2444 C.S.
Exhibit A – Map

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22 day of July, 1986, 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: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Althea Miranda
Department of Planning and
Community Development

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of August, 1986, Councilmember Whiteside moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 4, 1986

AN ORDINANCE GRANTING THE APPEAL OF THOMAS F. WEISS TO THE DECISION OF THE PLANNING COMMISSION RELATING TO AN AMENDMENT TO SECTION 28-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM-HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PROFESSIONAL OFFICE ZONE, P-0, PROPERTY LOCATED ON THE SOUTH CORNER OF 18TH AND G STREETS (THOMAS F. WEISS)

WHEREAS, a verified application for an amendment to Section 28-3-9 of the Zoning Map was filed by Thomas F. Weiss on May 12, 1986, to reclassify from Medium-High Density Residential Zone, R-3, to Professional Office Zone, P-0, property located on the South Corner of 18th and G Streets, the hereinafter described property, and

WHEREAS, a public hearing was held by the Planning Commission on June 16, 1986, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after considering said evidence, the Planning Commission found and determined that rezoning of the property as requested is not required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 86-109, and

WHEREAS, an appeal to the decision of the Planning Commission's denial of the request to reclassify from Medium-High Density Residential Zone, R-3, to Professional Office Zone, P-0, property located on the South Corner of 18th and G Streets was filed with the Office of the City Clerk by Thomas F. Weiss by letter dated June 23, 1986, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City

Hall, 801 11th Street, Modesto, California, on August 5, 1986, and

WHEREAS, after hearing evidence both oral and documentary the Council found and determined that said appeal to the denial of the requested rezoning of the property from Medium-High Density Residential Zone, R-3, to Professional Office Zone, P-0, property located on the South Corner of 18th and G Streets, should be granted for the following reasons:

1. The property proposed for P-0 zoning is located between areas zoned and developed in commercial/office uses and hospital/office uses.
2. Development of the subject property, under proposed P-0 zoning, would act as a buffer and would be compatible with the residential area to the southeast and the present residential uses to the south.
3. Ingress and egress from the site and how it will affect traffic circulation around the subject property can be addressed at the time of plot plan review by the Board of Zoning Adjustment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. APPEAL GRANTED. The appeal of Thomas F. Weiss to the decision of the Planning Commission to reclassify the above described property from Medium-High Density Residential Zone, R-3, to Professional Office Zone, P-0, property located on the South Corner of 18th and G Streets, is hereby granted for the reasons set forth above, and the decision of the Planning Commission denying said rezoning is hereby overruled.

SECTION 2. ZONING CHANGE. Section 28-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium-High Density Residential Zone, R-3, to Professional Office Zone, P-0:

All that certain real property situated in a portion of the southwest quarter of Section 28, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

The northeastern 93.33 feet of Lots 1, 2, 3, and 4 in Block M as shown on Map of "Town of Modesto" filed in the Office of the Recorder of Stanislaus County, California, on April 18, 1903, in Volume 1 of Maps at page 82.

Including also the southeastern one-half of 80.00-foot wide G Street, the southwestern one-half of 18th Street, and western one-half of original 33.00-foot wide Burney Street and all directly adjacent to the above described property.

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

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

SECTION 5. PUBLICATION. 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 5th day of August, 1986, 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: Lang, McGrath, Muratore, Patterson, Sutton,
Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

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

Ordinance 2445 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 19th day of August, 19 86, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Judy C. Hall*
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: September 18, 1986

ORDINANCE NO. 2446 -C.S.

AN ORDINANCE AMENDING SECTIONS 10-2.1009, 10-2.1109, 10-2.1208 AND 10-2.1309 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO OUTDOOR DISPLAYS, SALES AND PROMOTIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 10-2.1009, 10-2.1109, 10-2.1208 and 10-2.1309 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

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

- (a) All merchandise or displays and all storage or sales areas shall be within a completely enclosed building or structure, except that the following may be conducted outdoors:
- (1) Newspaper vending.
 - (2) Plant and floral display.
 - (3) Plant sales, plant nursery.
 - (4) Restaurant outdoor dining area.
 - (5) Vehicular fuel sales.
 - (6) Vending machines.
 - (7) Outdoor displays authorized by the City Council such as the certified farmers market or sidewalk sales as specified below.
 - (8) Other outdoor sales, displays or promotions which are permitted by the zone and for which a conditional use permit has been obtained.

- (b) The display or sale of goods, merchandise or services which are customary indoor uses shall be allowed outdoors, limited to three (3) times in number during any twelve (12) 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 display 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 schools, 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.

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

Outdoor display, sales and promotions are as permitted in the C-1 Zone except that the following additional activities may be conducted outdoors:

- (a) Automobile and recreational vehicle display and sales.
- (b) Building materials or farm supply sales and displays which are screened so as not to be visible from a public street or parking lot.

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

Outdoor display, sales and promotion are as permitted in the C-2 Zone.

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

Outdoor display, sales and promotions are as permitted in the C-3 Zone except that outdoor sales, displays and promotions are permitted outdoors provided they are screened so as not to be visible from a street or parking lot.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 12th day of August, 19 86, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 11, 1986

ORDINANCE NO. 2417-C.S.

AN ORDINANCE AMENDING SECTION 4-4.502 OF ARTICLE 5 OF
CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE
RELATING TO TENTATIVE PARCEL MAPS

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

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

SEC. 4-4.502. TENTATIVE PARCEL MAPS

- (a) Filing and Departmental Approval. The legal owner of record, or his authorized representative, desiring the reparceling of any lot or lots or parcels of land under the provisions of this article shall file fifteen (15) copies of a tentative parcel map with the Planning Commission at least thirty-five (35) days prior to the meeting of the Commission at which consideration is desired. The representative of the Planning Commission authorized to receive such maps shall examine any such map upon presentation and shall not accept such map unless the same is in full compliance with this article as to form, the data, information and other matters required to be shown thereon. The tentative map shall not be considered as filed until stamped, signed and dated by said representative. The representative of the Planning Commission shall distribute copies of the tentative parcel map to affected City departments, local utility companies serving the property, and such other individuals or agencies as is deemed advisable. The department, utility company, individual or agency receiving a copy of the tentative parcel map may respond regarding any concerns or requirements within fifteen (15) days from the date the map was mailed. If a reply is not received within said fifteen (15) day period it shall be assumed that the tentative parcel map conforms with the requirements of the particular department, utility company, individual or agency.
- (b) Form of Maps. Tentative parcel maps shall be eighteen (18") inches by twenty-six (26") inches in size. Maps shall be to a scale of one inch equals one hundred (100') feet for large areas, or to a scale of one inch equals fifty (50') feet for small areas where practical. Every tentative parcel map shall

be clearly and legibly reproduced and shall contain the following information:

- (1) Date, north point, scale and sufficient description to define the location and boundaries of the proposed reparceling.
 - (2) Name and address of record owner or owners.
 - (3) Name and address of the subdivider, if other than owner.
 - (4) Name and business address of the person who prepared the map, if other than owner.
 - (5) Locations, names and existing width of all adjoining and contiguous highways, streets and ways.
 - (6) Locations and size of all pipe lines and structures used in connection therewith.
 - (7) Location and character of all existing public utilities.
 - (8) Location and character of all existing and proposed street improvements.
 - (9) The widths, locations and purpose of all existing and amended easements.
 - (10) Method of serving individual parcels to be created with utilities.
 - (11) Lot layout, dimensions of each lot, and lot designations.
 - (12) The outline of any existing buildings to remain in place and their locations in relation to existing or proposed street and lot lines.
- (c) Consistency with General Plan. A tentative parcel map shall not be approved or conditionally approved by the Planning Commission unless the Planning Commission finds that the proposed parcel map, together with the provisions for its design and improvements, is consistent with the General Plan and applicable specific plans of the City.
- (d) Requirements for Approval. If the tentative parcel map complies with all of the requirements of this article and the Subdivision Map Act, the Planning Commission may approve the division, subject to the dedication of necessary right-of-way for streets and easements, the installation of all improvements

along the frontages of the property so divided, as required by the Commission, and the installation of all necessary utilities and connections to each lot. All lot sizes shall conform to the provisions of the zoning regulations of the City of Modesto.

- (e) Limitations on Approval. A tentative parcel map shall not be approved or conditionally approved by the Planning Commission if it makes any of the following findings:
- (1) That the proposed map is not consistent with applicable general and specific plans.
 - (2) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
 - (3) That the site is not physically suitable for the type of development.
 - (4) That the site is not physically suitable for the proposed density of development.
 - (5) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - (6) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.
 - (7) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision. In this connection, the Planning Commission may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easement of record or to easements established by judgment of a court of competent jurisdiction.
- (f) Improvements. If the Planning Commission approves the tentative parcel map it may require the construction of reasonable offsite and onsite improvements for the parcels being created. Requirements for the construction of such offsite or onsite improvements shall be noticed by certificate on the parcel map, on the instrument evidencing the waiver of

such parcel map, or by separate instrument and shall be recorded on, concurrently with, or prior to the parcel map or instrument of waiver of a parcel map being filed for record. The construction of such improvements shall be required prior to the subsequent issuance of a permit or other grant of approval for the development of such parcel. The Planning Commission may require the fulfillment of such improvement requirements within a reasonable time following approval of the parcel map and prior to the issuance of a permit or other grant of approval for the development of a parcel upon a finding by the Planning Commission that fulfillment of the improvement requirement is necessary for reasons of:

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

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

- (g) Requirement for Street Trees. As a condition of approval for parcel maps it is the policy of the City of Modesto to require street trees to be planted and maintained along the street frontages of the affected properties. In order to insure that such street trees conform to the City of Modesto Street Tree Plan, and that they are properly planted and maintained whenever street trees are required as a condition of approval of a parcel map, the applicant shall pay to the City of Modesto a sum for each street tree required. Such sum shall be established by resolution of the City Council adopted from time to time. Such sum shall be paid at the time of filing the parcel map. Upon the payment of such sum the City shall be responsible for planting and maintaining such street trees.
- (h) Drainage Facilities. Whenever the city, by ordinance, has adopted a drainage plan for a particular drainage area, pursuant to Section 66483 of the Government Code of the State of California, each subdivider filing a parcel map for the division of land, any part of which is located within the boundaries of such a drainage area and the tentative map of which is filed after the effective date of the addition of this subsection, shall pay to the City at the time of the filing of the parcel map, as a condition of approval thereof, such fees as may be required by said ordinance. The Council may, by resolutions or agreements adopted or entered into from time to

time, establish conditions under which such fees may be spread over a period of time.

- (i) Appeal. If the property owner or any interested person is dissatisfied with any action of the Planning Commission with respect to the tentative parcel map, or the kinds, nature and extent of the improvements required by the Planning Commission, he may, within ten (10) days after such action is taken by the Planning Commission, appeal in writing to the City Council for a public hearing thereon. The City Council shall hear the appeal, upon notice being given in accordance with the provisions of Section 66451.3 of the Government Code and to the appellant and the Planning Commission, within thirty (30) days after the date of filing the appeal, unless the appellant consents to a continuance. At the time fixed for the hearing the City Council shall proceed to hear the testimony of the appellant or any witnesses in his behalf. It may also hear the testimony of other competent persons relative to the character of the neighborhood in which the parcel is located; the kinds, nature and extent of improvements; or the quality or kinds of development to which the area is best adapted; and any other phase of the matter which it may desire to inquire into. Upon conclusion of the hearing the City Council shall, within ten (10) days, declare its findings based upon the testimony and documents produced before it. It may sustain, modify, reject or overrule any recommendations or rulings of the Planning Commission and may make such findings as are not inconsistent with the provisions of this chapter and the Subdivision Map Act.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 12th day of August, 1986, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 11, 1986

ORDINANCE NO. 2448-C.S.

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

WHEREAS, a verified application for an amendment to Section 14-3-9 of the Zoning Map was filed by Grant Construction Co., Inc., on May 12, 1986, to reclassify from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1, property located along the south side of Merle Avenue west of Roselle Avenue, extended, hereinafter described, and

WHEREAS, after public hearing held on June 16, 1986, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 86-110, adopted on June 16, 1986, the Planning Commission recommended to the Council that the application of Grant Construction Co., Inc., to amend Section 14-3-9 of the Zoning Map to reclassify the hereinafter described property from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on August 12, 1986, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The proposed rezoning from R-2 to R-1 will remove the possibility of a "duplex strip" along Merle Avenue, a collector street, a land development pattern discarded by the City as a general practice.
2. The rezoning from R-2 to R-1 will allow a row of single-family lots which will integrate well into the remainder of the Walnut Woods East Subdivision.

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

All that certain real property situate in a portion of Parcel B as shown on the map filed for record in Book 37 of Parcel Maps at page 64, Stanislaus County Records, lying in a portion of the Southeast quarter of Section 14, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Commencing at the Southwest corner of said Parcel B; thence North 0°18'19" East, a distance of 1,117.02 feet, to the point of beginning; thence continuing North 0°18'19" East, 130.00 feet to the centerline of Merle Avenue; thence South 88°49'44" East along said centerline a distance of 913.28 feet; thence South 0°17'23" West, 130.00 feet; thence North 88°49'44" West, 913.28 feet to the point of beginning.

Containing: 2.73 acres

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

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

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3)

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12 day of August, 1986, 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: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Swade
Department of Planning and
Community Development

**Ordinance 2448 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 19th day of August, 1986, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: September 18, 1986

ORDINANCE NO. 2449 -C.S.

AN ORDINANCE AMENDING SECTIONS 3-10.04 AND 3-10.28 OF CHAPTER 10 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO TOWING SERVICES.

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

SECTION 1. AMENDMENT OF CODE. Sections 3-10.04 and 3-10.28 of Chapter 10 of Title III of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 3-10.04. UNLAWFUL RESPONSE.

It shall be unlawful for any person, towing service operator or the agent, attendant or other employee of a towing service operator, whether or not on the rotation list, to respond to any police radio call for the purpose of removing from the public streets and towing away any vehicle subject to the provisions of this chapter unless specifically requested to do so by an officer or representative of the Modesto Police Department.

SEC. 3-10.28. ROTATION TURNS.

Requests for towing of vehicles, emergency road service, and other similar services will be considered to be a rotation turn except when an operator or attendant requests no compensation for the services rendered or when services of a specific operator are requested by a citizen. Vehicles ordered impounded or stored by the Modesto Police Department under authority of the Vehicle Code of the State of California or any other statute or law shall be removed by the next qualified rotation tow service. In all other instances, citizens may request the tow service of their choice.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 19th day of August, 19 86, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Judy C. Hall*
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: September 18, 1986

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

WHEREAS, a verified application for an amendment to Section 14-3-9 of the Zoning Map was filed by Grant Construction Co. on July 7, 1986, to reclassify from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1, property located at the northeast corner of Merle Avenue and Walnut Tree Drive, hereinafter described, and

WHEREAS, after public hearing held on July 7, 1986, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 86-116, adopted on July 7, 1986, the Planning Commission recommended to the Council that the application of Grant Construction Co. to amend Section 14-3-9 of the Zoning Map to reclassify the hereinafter described property from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on August 26, 1986, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the following reasons:

1. The rezoning will allow division of the property into

lots with sizes comparable to other lots in the subdivision.

2. The rezoning will allow a less intensive use of the property and will not adversely affect the surrounding area.

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

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

Lots 1, 2, and 3 of Block 11030 Walnut Tree Estates Subdivision, according to the official map thereof, filed in the office of the Recorder of Stanislaus County, California, on May 20, 1981, in Volume 29 of Maps, page 90.

Including also all of the west 30.00 feet of Walnut Tree Drive and the north 30.00 feet of Merle Avenue immediately adjacent to the above described property.

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26 day of August, 1986, by Councilmember McGrath, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Smith
Department of Planning and
Community Development


Ordinance 2450 C.S.
Exhibit A – Map

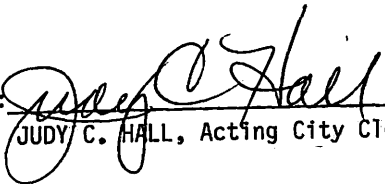
Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

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 10th day of September, 19 86, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED 
CAROL G. WHITESIDE, Acting Mayor

ATTEST: 
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: October 10, 1986

ORDINANCE NO. 2451 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2101-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 27-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (BOWMAN, HUGHES, HICKS)"

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 2101-C.S.. Section 2 of Ordinance No. 2101-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following use shall be permitted in said P-D(319) 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 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code.

Condominium medical/professional offices."

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger
PEGGY MENSINGER, Mayor

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of September, 19 86, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Mensinger

APPROVED Carol G. Whiteside
CAROL G. WHITESIDE, Acting Mayor

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: October 10, 1986

ORDINANCE NO. 2452 -C.S.

AN ORDINANCE ADDING SECTION 10-2.2332 TO ARTICLE 23 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO SATELLITE ANTENNAS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.2332 is hereby added to Article 23 of Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.2332. SATELLITE ANTENNAS.

The satellite antenna provisions of Title X are designed to achieve the following health, safety, and aesthetic objectives:

- (a) Satellite antennas are structures over six (6) feet in height and as such must observe front, side and rear setbacks like any other antenna.
- (b) Satellite antennas are determined to be visually prominent. Their circular shape, fiberglass or metal construction, and size makes for a visual contrast with their natural and man-made surroundings. The regulations regarding satellite antennas are designed to minimize visual intrusions while providing an ample opportunity for adequate reception.
- (c) An emphasis on ground mounting is to meet safety concerns. Satellite antennas are massive and have to sustain a significant wind load.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED: Carol Whiteside
CAROL G. WHITESIDE, Acting Mayor

ATTEST:

By Judy C. Hall
JUDY C. HALL, Acting 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 September, 19 86, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Judy C. Hall*
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: October 23, 1986

A ORDINANCE AMENDING SECTION 12-3-8 OF THE ZONING MAP TO REPEAL A PORTION OF PLANNED DEVELOPMENT ZONE, P-D(252), AND REZONING TO LOW DENSITY RESIDENTIAL ZONE, R-1, AND MEDIUM HIGH DENSITY RESIDENTIAL ZONE, R-3. (REGENCY PARK)

WHEREAS, the City Council, by Ordinance No. 1907-C.S., which became effective on February 14, 1980, amended Section Map 12-3-8 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, and Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(252), to allow zero lot patio house and townhouse development, property located west of Prescott Road and north of Veneman Avenue, and

WHEREAS, the City Council, by Resolution No. 80-5, approved a development plan for Planned Development Zone, P-D(252), with conditions of approval and a development schedule which specified that construction was to be in three phases, with Phase I beginning construction by January 1, 1981, and

WHEREAS, on December 1, 1980, by Resolution No. 80-294, the Planning Commission granted a one-year time extension to the entire development schedule, and

WHEREAS, on February 6, 1984, by Resolution No. 84-24, the Planning Commission consolidated the three phases into one phase, acknowledging construction having begun and specifying completion of construction by June 17, 1986, and

WHEREAS, a letter dated June 3, 1986 was received from Delamare and Fultz Engineering requesting a two-year time extension to the development schedule for completion, and

WHEREAS, a public hearing was held by the Planning Commission on August 4, 1986, in the City Council Chambers, City Hall, 801 - 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the Planning Commission found and determined that good cause had been shown for a time extension for the patio home portion of the development since that portion is undergoing rapid development and an extension would conform to the Planning Commission's Time Extension Policy, and thereby granted a one-year time extension to the development schedule, and

WHEREAS, the Planning Commission, by Resolution No. 86-134, found and determined that the repealing of the easterly portion of Planned Development Zone, P-D(252), and rezoning to Low Density Residential Zone, R-1, and Medium High Density Residential Zone, R-3, is required by public necessity, convenience, and general welfare for the following reasons:

1. The east portion of P-D(252) did not develop within the extended time limits of the revised development schedule.
2. Section 10-2.1710(c) of the Municipal Code calls for repeal or modification of expired P-D zones.
3. Repeal and rezoning of the townhouse condominium portion of P-D(252) will still allow a new P-D zone with more up-to-date development plans which reflect the current market.

and

WHEREAS, said recommended rezoning 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, on September 10, 1986, 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 of the City of Modesto hereby finds and determines that the requested repeal of the following described easterly portion of Planned Development Zone, P-D(252), and rezoning to Low Density Residential Zone, R-1, and Medium 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. 86-134 and quoted above.

SECTION 2. ZONING CHANGE. Section 12-3-8 of the Zoning Map is hereby amended to rezone the following described property from Planned Development Zone, P-D(252), to Low Density Residential Zone, R-1:

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

Portion of P-D(252) to R-1

Commencing at the east quarter corner of said Section 12; thence North 0°42'15" West along the East line of said Section 12, 1,005.73 feet to the Southeast corner of Hollandia Estates recorded in Volume 27 of Maps, page 69, Stanislaus County Records; thence South 88°58'33" West along the south boundary of said Hollandia Estates 395.46 feet to the true point of beginning of this description; thence South 0°42'15" East, 718.96 feet to the northerly right-of-way line of M.I.D. Lateral No. 7; thence along the north right-of-way of said lateral, south 66°06'27" West, 181.13 feet to the Southeastern corner of Lot 12, Block 13460 as shown on map of Regency Park No. 2 recorded in Volume 30 of Maps, page 76, Stanislaus County Records; thence along the east line of said Lot 12, North 23°53'33" West 96.90 feet, to the Northeast corner of said Lot 12 and the eastern right-of-way line of 60.00-foot wide Veneman Avenue North; thence along the eastern right-of-way line of Veneman Avenue North on a curve concave to the northwest having a radius of 300.00 feet and a central angle of 50°37'05", 265.04 feet; thence continuing along said eastern right-of-way line, North 0°42'15" West 468.79 feet to the Southwest corner of said Hollandia Estates; thence leaving the east line of Veneman Avenue North and along the

south line of Hollandia Estates; North 88°58'33" East, 94.86 feet to the point of beginning.

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

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

P-D(252) to R-3

Commencing at the East Quarter corner of said Section 12; thence North 0°42'15" West along the East line of said Section 12, 1,005.73 feet to the Southeast corner of Hollandia Estates recorded in Volume 27 of Maps, page 69, Stanislaus County Records and the true point of beginning of this description: thence South 88°58'33" West along the south boundary of said Hollandia Estates 395.46 feet; thence South 0°42'15" East 718.96 feet to the Northerly right-of-way line of M.I.D. Lateral No. 7; thence North 66°06'27" East along said North right-of-way of M.I.D. Lateral No. 7, 82.18 feet; thence Northeasterly 314.85 feet along said Northerly right-of-way of M.I.D. Lateral No. 7 being a tangent curve, concave to the North having a radius of 762.00 feet and a central angle of 23°40'27"; thence North 42°26'00" East along a tangent line and said Northerly right-of-way of M.I.D. Lateral No. 7, 93.47 feet to said west line of Section 12; thence North 0°42'15" West along said west line of Section 12 a distance of 441.18 feet to the point of beginning.

SECTION 4. ZONING MAP. Section 12-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 6. PUBLICATION. 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 10 day of September, 1986, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton,

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger, McGrath

APPROVED: *Carol G. Whiteside*
Carol G. Whiteside, Acting Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

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

Ordinance 2453 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 23rd day of September, 19 86, Councilmember Whiteside moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED *Peggy Mensinger*
MAYOR PEGGY MENSINGER

ATTEST: *Judy C. Hall*
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: October 23, 1986

ORDINANCE NO. 2454 -C.S.

AN ORDINANCE AMENDING SECTION 4-1.1004 OF ARTICLE 10 OF CHAPTER 1 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO APPLICATION FOR PERMIT TO OPERATE BINGO GAMES.

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

SECTION 1. AMENDMENT OF CODE. Section 4-1.1004 of Article 10 of Chapter 1 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-1.1004. APPLICATION FOR PERMIT.

- (a) Applications for a permit to conduct bingo games pursuant to this article shall be submitted to the Chief of Police on forms to be provided. The City Council may, by resolutions adopted from time to time, fix an annual permit fee which shall accompany the application. The permit issued shall be for a term of one (1) year from the date of issuance, subject to renewal and payment of applicable annual or other fees. Said permit fees shall be subject to the limitations set forth in Section 326.5(1) of the Penal Code of the State of California.
- (b) In addition to the initial application fee, a permittee shall pay a fee of one (1) per cent of the monthly gross receipts derived from bingo over Five Thousand and no/100ths (\$5,000.00) Dollars. This additional fee shall be paid monthly to the City of Modesto. The subsequent annual renewal fee may be reduced by an amount equal to the additional one (1) per cent payments that were paid during the previous year, up to a maximum of Fifty and no/100ths (\$50.00) Dollars.

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

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

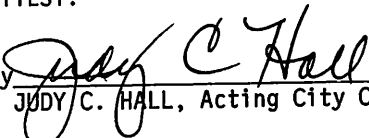
NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:


PEGGY MENSINGER, Mayor

ATTEST:

By 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 23rd day of September, 19 86, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED *Debbie Mensinger*
MAYOR DEBBY MENSINGER

ATTEST: *Judy C. Hall*
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: October 23, 1986

ORDINANCE NO. 2455-C.S.

AN ORDINANCE AMENDING SECTION 4-6.307 OF ARTICLE 3 OF CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO TAXICAB RATES.

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

SECTION 1. AMENDMENT OF CODE. Section 4-6.307 of Article 3 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-6.307. RATES.

No owner or driver of a taxicab shall charge a greater sum for the use of a taxicab than in accordance with the following rates:

- (a) Mileage Rates: Two and 30/100ths (\$2.30) Dollars for the first one-fifth (1/5) mile or fraction thereof; thirty cents (\$0.30) for each additional one-fifth (1/5) mile or fraction thereof;
- (b) Waiting Time: Thirty cents (\$0.30) for each minute of waiting time or fraction thereof;
- (c) Baggage: Fifty cents (\$0.50) for each piece of baggage in excess of fifty (50) pounds; and
- (d) Extra Passengers: No charge shall be made for extra passengers. This applies only to those passengers whose point of pickup and point of destination are the same.

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 23rd day of September, 1986, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

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

APPROVED: *Peggy Mensinger*
PEGGY MENSINGER, Mayor

ATTEST:

By *Judy C. Hall*
JUDY C. HALL, Acting 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 7th day of October, 1986, Councilmember Whiteside moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton

APPROVED Peggy Mensinger
MAYOR PEGGY MENSINGER

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: November 6, 1986