

PLANNING COMMISSION  
RESOLUTION NO. 2021-13

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AMENDMENTS TO CHAPTERS 3, 4, 5, 6, AND 9 OF TITLE 10 OF THE MODESTO MUNICIPAL CODE (ZONING REGULATIONS) TO EDIT SECTIONS 10-3.101, 10-4.104, 10-4.115, 10-4.406, 10-5.102, 10-5.103, 10-5.104, 10-6.107, AND 10-9.108 (OMNIBUS ZONING CODE TEXT AMENDMENT CODE-20-001)

WHEREAS, updates to the Zoning Code to keep it current with state law, best practices, changes to the General Plan and other policies, and to correct technical details and issues, are typically carried out through periodic omnibus amendments covering a variety of topics; and

WHEREAS, a public hearing was held by the Planning Commission on June 21, 2021, in the Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission continued the hearing to July 12, 2021 to allow staff to address concerns expressed by the Commission regarding provisions related to the regulation of nightclubs; and

WHEREAS, Planning staff has subsequently decided to remove the provisions related to nightclubs from the proposed Code text amendments and incorporate them into a separate Code amendment to be heard at a later date and recommends that the Commission approve a revised Code text amendment without provisions related to nightclubs; and

WHEREAS, a public hearing was held by the Planning Commission on July 12, 2021, in the Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The proposed amendments conform to the City's adopted Urban Area General Plan for the following reason:

The proposed amendments will result in regulations consistent with the Urban Area General Plan Chapter III.C regarding land use goals and policies because the proposed amendments are intended to refine regulations associated with certain land uses, residential densities, parking, signage and other related minor details consistent with applicable Urban Area General Plan content.

2. The proposed amendments will benefit the public health, safety, and welfare because the proposed amendments are intended to address compatibility both within the Zoning Code and between the Zoning Code and General Plan, and to promote practical application of zoning regulations to land uses and development.
3. The project is exempt from the California Environmental Quality Act (CEQA), per CEQA Guidelines Section 15061(b)(3), which exempts any

project where it can be seen with certainty that it would not have any significant effect(s) on the environment.

BE IT FURTHER RESOLVED that the Planning Commission hereby recommends to the City Council amendments to Chapters 3, 4, 5, 6 and 9 of Title 10 of the Modesto Municipal Code (Zoning Regulations) to edit sections 10-3.101, 10-4.104, 10-4.115, 10-4.406, 10-5.102, 10-5.103, 10-5.104, 10-6.107, and 10-9.108, as shown in Exhibit A.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on July 12, 2021, by Commissioner Vohra, who moved its adoption, which motion was seconded by Commissioner Shanks and carried by the following vote:

Ayes:	Birring, Morad, Pollard, Silva, Shanks, Vohra
Noes:	None
Absent:	Smith
Recused:	None

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

Original, signed copy on file in CEDD  
Steve Mitchell, Secretary