

Chapter 2. Development Policies and Standards

A. LAND USE (SEE FIGURE 2)

1. General Plan Policies

North Beyer Park will be developed in compliance with applicable City General Plan community development, CPD, and related policies. Since the Plan Area is the remaining undeveloped portion of an existing developed neighborhood, land use policies relative to the development of existing neighborhoods apply. City General Plan policies regarding land uses implemented through the Specific Plan are: Overall land use policies based on the City's Zoning Code, Title X of the Modesto Municipal Code (Section III-C(1)), "Neighborhood Plan Prototype" Policies (Section III-C(2)), and the North Beyer Park Specific Plan. City General Plan policies for providing community services and facilities, maintaining public safety, and managing environmental and open space resources are included in subsequent chapters of this Specific Plan.

2. The Specific Plan Overlay Zone

The purpose of the SP-O Zone is to permit development within the North Beyer Specific Plan area under Title X of the Modesto Municipal Code and any exceptions as defined in the Specific Plan.

The City Zoning Map, as allowed by Section 10-2.305 of the Modesto Municipal Code, "The Zoning Map", shall indicate SP-O zoning for the area of the North Beyer Specific Plan.

3. Subsequent Exceptions to Development Regulations

The Planning Commission may grant exceptions to any of the development regulations listed in this chapter, by resolution, based on the following considerations:

- a. **Exception Guidelines.** Exceptions may be granted to achieve the following purposes:
 1. To encourage creative and efficient land uses.
 2. To encourage mixed or multiple-use projects.
 3. To permit variations from the density, height, and other standards in the various zones.

4. Residential (R)

The R designation accommodates single-family residential uses. The maximum permitted density for an overall land use area is 7.5 dwelling units per acre. Areas designated R utilize the City's R-1 zones as its development regulations with the following exceptions: Lot sizes smaller than 5,000 square feet and senior housing facilities, as an example, are permitted as long as the 1,200 dwelling unit maximum is not exceeded. Lots less than 5,000 square feet and senior housing require approval of a Final Development Plan by the Planning Commission. The existing churches and the Middle School site are designated R in the General Plan, which is consistent with City policy.

5. Mixed Use (MU)

The mixed-use designation applies to a 10-acre site at the southeast corner of the Coffee Road and Claratina Avenue intersection and also a 14-acre site at the southwest corner of the Oakdale Road and proposed Pelandale Expressway intersection, which would allow a possible neighborhood shopping center at both locations. Professional Office uses are proposed for the area at the northeast corner of the Coffee Road and Mable Avenue intersection. A Stanislaus County approved 50,000-square-foot office building, known as "The Arbors", has been planned for this site. Also permitted in the Mixed-Use area is R-3, R-2 and R-1 uses according to the City's Zoning Code, subject to the following exceptions: Lot sizes smaller than 5,000 square feet and senior housing facilities, as an example, are permitted as long as the 1,200 dwelling unit maximum is not exceeded. Lots less than 5,000 square feet and senior housing require approval of a Final Development Plan by the Planning Commission. To develop non-residential areas as residential uses in excess of 1,200 total dwelling units requires a General Plan Amendment. For each of the two Mixed-Use/Neighborhood shopping centers, plot plan approval by the Planning Commission shall be required prior to development. Performance standards deemed necessary by the Commission shall be required at that time.

6. Middle School (MS)

This designation is intended to allow development of a 18.50 acre Middle School facility for the Sylvan Union School District.

7. Storm Drainage (SD)

This designation is intended to permit development for storm drainage facilities to service the project area including basins and related facilities.

8. Church (CH)

The CH designation will permit the construction of a church after the acquisition of a Final Development Plan from the City of Modesto Planning Commission. The development standards shall be as set forth in the City's R-1 Zone, subject to the exceptions listed below. The only permissible use of the site will be as a church. The existing golf course/driving range is allowed as an interim use until the site is developed.

Exceptions to R-1 Standards

- a. Landscape setbacks shall be a minimum of 25 feet along Coffee Road and the Claratina Expressway and 15 feet along the north and east property lines.
- b. Walls shall incorporate decorative treatment including a cap treatment, pilasters and finished with materials complementary to the exterior materials on the building. Walls along the north or east property line should transition gradually from the maximum six foot (6') allowable height to 42" within the setback area.
- c. All exterior mechanical, heating and air conditioning equipment must be screened from public view.
- d. Exterior lighting shall be arranged or shielded in such a manner as to contain direct illumination on the site and avoid glare onto adjacent residential areas.

9. Land Use Regulations

The City of Modesto's Title X Planning and Zoning Code latest edition is hereby adopted and incorporated by reference into the North Beyer Park Specific Plan, as the Plan's land use regulations and development standards. All development projects shall be subject to the zoning provisions that are current at the time of application. The City may grant exemptions from the certain Code provision at its discretion in order to implement the Plan.

10. Improvement Standard Regulations

The City of Modesto Department of Public Works Standard Specifications are hereby adopted and incorporated by reference into the North Beyer Park Specific Plan as the Plan's Development Standards. All development projects shall be subject to the Standard Specifications that are current at the time of application. The City may grant exemptions from the certain code provisions at its discretion in order to implement the plan.