

ORDINANCE NO. 3532-C.S.

AN ORDINANCE ADDING ARTICLE 8 TO CHAPTER 2 OF  
TITLE 10 OF THE MODESTO MUNICIPAL CODE  
RELATING TO DOWNTOWN CORE (DC) ZONE

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

SECTION 1. AMENDMENT OF CODE. Article 8 is hereby added to Chapter

2 of Title 10 of the Modesto Municipal Code to read as follows:

**10-2.801. PURPOSE AND INTENT.**

This Article establishes a form based code as the mechanism for development review and entitlement within the Downtown Core (DC) Zone. The form based code focuses on the form of the built environment as primary and the uses contained within the built environment as secondary. The Downtown Core Zone is divided into three Districts with distinct development criteria. The Districts are delineated on the Planning District Map and defined in the Planning Districts section.

The Downtown Core Zone is intended to:

- (a) Implement General Plan Policy by promoting higher density, mixed-use development to create a balanced, vibrant downtown and active neighborhood centers.
- (b) Implement Redevelopment Master Plan Policy by promoting mixed-use development in the Downtown Core Zone;
- (c) Preserve and enhance the area's historically eclectic architecture;
- (d) Facilitate use of large-specimen, shade-giving street trees;
- (e) Facilitate increased densities and intensification of shared uses;
- (f) Ensure development occurs at a human scale;
- (g) Promote store frontage and display along public streets;
- (h) Provide additional housing choices and opportunities;

- (i) Reduce dominance of parking areas and parking structures;
- (j) Improve pedestrian circulation;
- (k) Encourage useable, well-designed private open spaces.

**10-2.802. ADMINISTRATION.**

- (a) **Applicability.** The provisions of this Article shall supersede any standards, provisions or regulations of all other Articles of Title 10 that are in conflict with its provisions. All other standards, provisions or regulations of Title 10 that are not in conflict with this Article shall remain in effect. This Article shall apply to all subdivisions, parcel maps, lot line adjustments, buildings, structures and land uses within the Downtown Core Zone, as identified on the Planning District Map, with the following exceptions:
  - (1) Parcels existing prior to September 3, 2010, that do not conform to the development provisions of this Article may not be modified in a manner that would increase the degree of nonconformity with this Article.
  - (2) Buildings existing prior to September 3, 2010, that do not conform to the development provisions of this Article may be expanded by up to 25% of the gross floor area of the building. The expanded area shall be subject to the development standards of the C-2 Zone and the parking and use type provisions of this Article.
  - (3) Uses established prior to September 3, 2010, that do not conform to the Use Type provisions of this Article may not be expanded and shall be replaced by Use Types conforming to the provisions of this Article when discontinued for a continuous period of six (6) months. When a non-conforming use has been discontinued for less than six (6) months, one nonconforming use may replace another if the new use is listed as a Permitted Use in the Zone that was in effect prior to September 3, 2010.
  - (4) Use of right-of-way extending beyond the prescribed three-foot area for outdoor dining, shall be allowed in accordance with the provisions of Article 1 of Chapter 15 of Title 4 of the Municipal Code for buildings existing prior to September 3, 2010, that are not set back from the street.

- (5) Development of Assessor Parcel Nos. 104-006-008 and 104-006-009 may occur as specified by City Council Resolution No. 2007-100, as amended by Planning Commission Resolution No. 2007-32, and the development schedule specified in said Resolutions may be amended as provided for by Article 17.
- (6) Development of Assessor Parcel Nos. 105-015-001 and 105-015-002 may occur as specified by City Council Resolution No. 2007-619, and the development schedule specified in said Resolution may be amended as provided for by Article 17.
- (7) Development of Assessor Parcel Nos. 106-042-001 through 007 may occur as specified by City Council Resolution No. 2009-568, and the development schedule specified in said Resolution may be amended as provided for by Article 17.

Subdivisions, parcel maps and lot line adjustments shall be reviewed in accordance with the provisions of Chapter 4 of Title 4. Buildings and Structures, including by Warrant, shall be reviewed in accordance with the processes established by Sections 10-2.3003 through 10-2.3005 of the Modesto Municipal Code. Variances shall be reviewed in accordance with the processes established by Sections 10-2.2507 through 10-2.2511 of the Modesto Municipal Code, except all references to Board shall be replaced by Commission.

Overall development intensity and density within the Downtown Core Zone shall occur in accordance with the Community Development Policies of the General Plan.

- (b) Warrants. A Warrant is a minor deviation in the setback or stepback provisions that under limited circumstances still achieves the objectives specified in the Purpose and Intent and Planning District Sections. The following deviations may be approved by the Director where the findings following the deviation are made:
  - (1) Minimum 15-foot stepback from street property line(s) above the sixth floor within the Central and Transition Districts:
    - (i) The building occupies a corner lot; and
    - (ii) No other deviations of this nature exist within buildings fronting on street sections extending one block from the associated intersection; and

- (iii) The width of the building along any public street is no more than 100 feet; and
  - (iv) The building is no more than ten stories tall in the Central District or eight stories tall in the Transition District; and
  - (v) The building maintains a setback of at least five feet above the sixth floor.
- (2) Minimum 30-foot setback from the interior property line above the sixth floor within the Central and Transition Districts:
  - (i) The width of the subject parcel is less than 110 feet; and
  - (ii) No more than two other buildings constructed above six stories exist within the subject block frontage; and
  - (iii) The building maintains a setback of at least 20' above the sixth floor.
- (3) Maximum zero-foot setback from interior property line at floors 1-6 within the Central and Transition Districts:
  - (i) The area is provided for a Paseo or a Plaza; and
  - (ii) No more than one other Paseo or Plaza exists within the subject block frontage; and
  - (iii) A minimum ten-foot wide, unobstructed pedestrian access/circulation area is provided.
- (c) Variances. Deviations from the provisions of this Article that are not provided for by Warrant may be approved by Variance. There are three types of Variances from the provisions of this Article: Hardship Variance, Civic Variance, and Landmark Variance. Hardship Variances are for parcels with unique physical characteristics or circumstances that make development under the provisions of this Article exceptionally difficult. Civic Variances are for developments that provide a unique cultural amenity or necessary government service, which would not be possible under the provisions of this Article. Landmark Variances are for large buildings or structures that provide a unique, iconic architectural style.

Variations may be approved by the Planning Commission where the findings following the Variance type are made. Only one Variance type may be approved per property.

The applicant for any of the three Variance types listed below shall have the burden of proof of demonstrating the required findings.

(1) Hardship Variance:

- (i) There are special circumstances or conditions applicable to the property in question such that strict application of the provisions of this Article would deprive the applicant of practical use of the property; and
- (ii) The special circumstances or conditions do not exist for adjacent parcels; and
- (iii) The variance provided is the minimum deviation necessary to make possible the development of the property in a manner that otherwise complies with the provisions of this Article.

(2) Civic Variance:

- (i) The property is proposed to be used for civic building(s)/grounds that provide a regional amenity by furthering cultural opportunities, or the subject property is proposed to be used for governmental civic building(s)/grounds that provide a necessary service or particular societal amenity; and
- (ii) The nature of the civic building(s)/grounds is such that application of the provisions of this Article would preclude its use for the intended purpose; and
- (iii) The variance provided is the minimum deviation necessary to make possible the development of the property in a manner that otherwise complies with the provisions of this Article.

- (3) Landmark Variance:
- (i) The property is proposed to be developed with a building or structure that employs a form and architectural style that is of high quality and will serve as a landmark attraction that is uniquely recognizable as being associated with Modesto; and
  - (ii) The form and architectural style cannot be achieved without a deviation from the provisions of this Article; and
  - (iii) The variance provided is the minimum deviation necessary to make possible the development of the property in a manner that otherwise complies with the provisions of this Article.

#### **10-2.803. PLANNING DISTRICTS.**

- (a) **Central District (CD).** This district is intended to foster the most intensive and active urban environment in the Downtown Core Zone, while ensuring an overall human scale to development. This is accomplished with large, but unobtrusive building envelopes that accommodate a mixture of uses, including residential, with an interface that promotes a very strong public/private connection and lively streetscape.

The district contains Historic Preservation Sites, which catalog buildings that are included on the landmark preservation list in the General Plan. It also contains Historic Resource Sites, which catalog buildings that have been identified as having some historical significance, but are not on the historic preservation list. Special considerations for these sites are provided in the General Provisions section of this Article.

- (b) **Transition District (TD).** This district is intended to foster an intensive and active urban environment, but at a reduced scale from what is found in the Central District. This is accomplished with medium-large building envelopes that accommodate a mixture of uses, including residential, with an interface that promotes a strong public/private connection and lively streetscape.

In addition to Historic Preservation Sites and Historic Resource Sites, the district contains the High Speed Rail Corridor. The High Speed Rail

Corridor is intended to accommodate future High Speed and associated Regional Rail within the Downtown Core Zone. Special considerations for these sites are addressed in the General Provisions section of this Article.

- (c) **Buffer District (BD).** This district is intended to provide a buffer between the more intensive Central and Transition Districts and the less intensive uses located on the eastern side of the Downtown Core Zone. This is accomplished with smaller building envelopes that are primarily residential or live/work space. The sense of connection to the public realm is still strong, but there is a more distinctive transition between the public realm and the private realm.

The district contains a Historic Preservation Site that requires special consideration beyond the development provisions of the Transition District. The additional provisions pertaining to this site are addressed in the General Provisions section of this Article.



## Planning District Map

- Central District
- Transition District
- Buffer District
- High Speed Rail Corridor
- Historic Preservation Sites
- Historic Resource Sites

# 10-2.804 Central District (CD)

**Table 8-1 Central District  
Parcel Configuration, Building Placement**

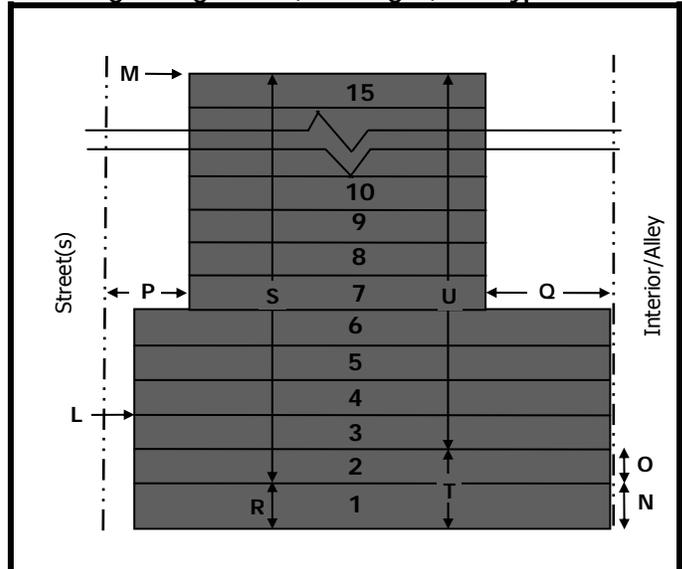


**Key**

- · - · - Property Line
- - - Build-to Line
- Required Building Area
- Optional Building Area

Parcel Configuration		
<b>Corner Parcel (At Street Intersection)</b>		
Parcel Area	5,000 sf. min.	<b>A</b>
Width Along Numbered Street	55' min.	<b>B</b>
Width Along Lettered Street	55' min.	<b>C</b>
<b>Interior Parcel</b>		
Parcel Area	1,375 sf. min.	<b>D</b>
Width Along Numbered Street	25' min.	<b>E</b>
Width Along Lettered Street	25' min.	<b>F</b>
<b>Notes</b>		
All parcels shall front on a public street except air space condominiums and parcels used exclusively for parking and/or circulation gaining access to/from the alley.		
<b>Building Placement (Floors 1-6)</b>		
<b>Build-to Line</b>		
Numbered Street Frontage	5'*	<b>G</b>
Lettered Street Frontage	5'*	<b>H</b>
<b>Setback</b>		
Interior	0' max	<b>I</b>
Alley		
≤ 55' From Lettered Street <sup>1</sup>	22' max	<b>J</b>
> 55' From Lettered Street <sup>2</sup>	85' max	<b>K</b>
<b>Notes</b>		
80% of the façade shall be built to the build-to line.		
* To be further considered in conjunction with the development of streetscape standards.		
<sup>1</sup> Setback from Alley where building is at or less than 55' from Lettered Street.		
<sup>2</sup> Setback from Alley where building is beyond 55' from Lettered Street.		

**Table 8-2 Central District  
Building Configuration, Frontages, Use Types**



**Key**

- · - · - Property Line
- Building Area

Building Configuration		
<b>Height</b>		
Building Min.	3 Stories	<b>L</b>
Building Max.	15 Stories	<b>M</b>
Floor to Floor Height		
First Floor	16' - 18'	<b>N</b>
Floors 2-15	13' - 14'	<b>O</b>
<b>Stepback (Floors 7-15)</b>		
Street Frontage(s)	15' min.	<b>P</b>
Interior/Alley	30' min.	<b>Q</b>
<b>Notes</b>		
Top floor height measured to eave or base of parapet.		
Combining of floor area on the building interior to accommodate theater or mezzanine space is permitted.		
<b>Permitted Frontages &amp; Use Types</b>		
<b>Stoop Frontage</b>		
First Floor	Civic, Residential	<b>R</b>
Floors 2-15	Civic, Office, or Residential	<b>S</b>
<b>Shopfront Frontage</b>		
Floors 1-2	Retail, Office, or Lodging	<b>T</b>
Floors 3-15	Office, Lodging, or Residential	<b>U</b>
<b>Notes</b>		
Frontage types are defined in Section 10-2.807.		
Use types are defined in Section 10-2.808.		

**Table 8-3 Central District  
Parking Location and Provision**



**Key**

— · · —	Property Line	■	Ground Level Parking Area
— — —	Build-to Line	■	Upper Levels Parking Area

**Parking Location (Distance From Property Line)**

**Ground Level (Surface or Structured Parking)**

Numbered Street	55' min.	<b>A</b>
Lettered Street		
> 22' from Alley <sup>1</sup>	55' min.	<b>B</b>
≤ 22' from Alley <sup>2</sup>	5' min.	<b>C</b>
Interior	0' min.	<b>D</b>
Alley	0' min.	<b>E</b>

**Levels 2-Upper Deck (Structured Parking)**

Numbered Street	5' min.	<b>F</b>
Lettered Street	5' min.	<b>G</b>
Interior	0' min.	<b>H</b>
Alley	0' min.	<b>I</b>

**Notes**

<sup>1</sup> Setback from Lettered Street where parking is greater than 22' from Alley

<sup>2</sup> Setback from Lettered Street where parking is at or less than 22' from Alley.

**Parking Provision**

**Minimum Spaces Required (Off-Street)**

Ground Floor	
Residential/Lodging	No parking required
Retail/Civic/Office	No parking required
Floors 2-15	
Residential/Lodging	1 per unit
Retail/Civic/Office	1 per 500 square feet

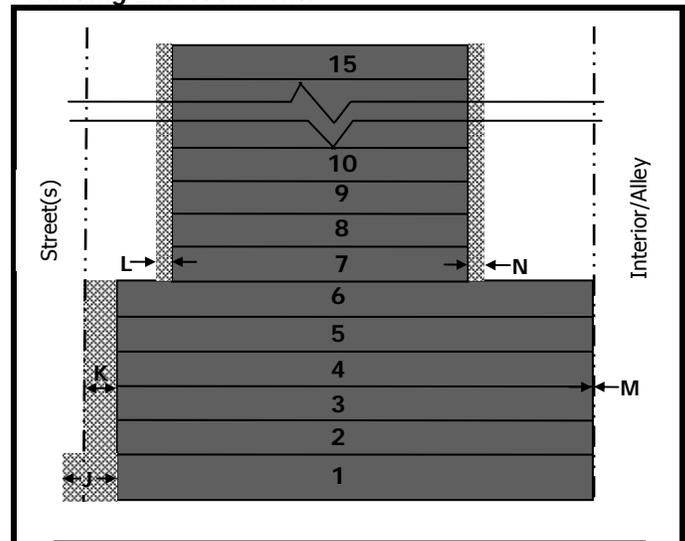
**Maximum Spaces Permitted (Off-Street)**

Ground Floor	
Residential/Lodging	1 per unit
Retail/Civic/Office	1 per 500 square feet
Floors 2-15	
Residential/Lodging	1 per unit
Retail/Civic/Office	1 per 300 square feet

**Notes**

Shared parking is permitted by Section 10-2.809

**Table 8-4 Central District  
Building Encroachments**



**Key**

— · · —	Property Line	■	Building Area
■	Encroachment		

**Building Encroachments**

**Street Frontages**

Ground Floor	8' max	<b>J</b>
Floors 2-6	5' max	<b>K</b>
Floors 7-15	2' max	<b>L</b>

**Interior/Alley**

Floors 1-6	0' max	<b>M</b>
Floors 7-15	2' max	<b>N</b>

**Notes**

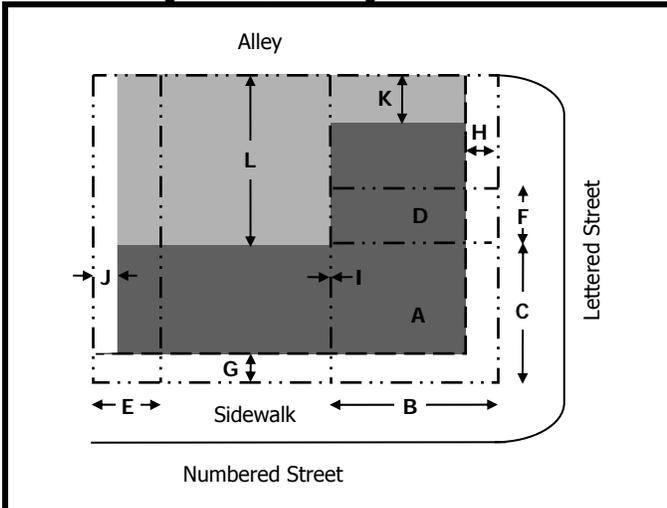
Awnings, canopies, signs and stoops may extend the full width of the permitted encroachment at ground floor

Awnings and balconies may extend the full width of the permitted encroachment at levels 2-6.

Other architectural appurtenances may extend two feet maximum into the permitted encroachment.

# 10-2.805 Transition District (TD)

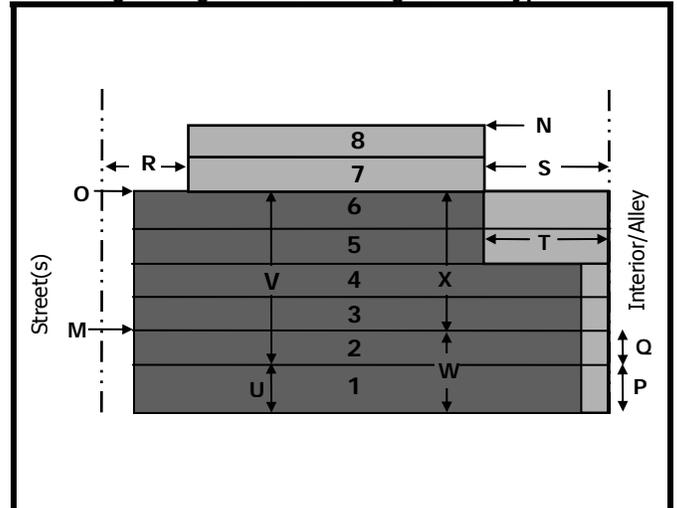
**Table 8-5 Transition District  
Parcel Configuration, Building Placement**



**Key**  
 - - - - Property Line      ■ Required Building Area  
 - - - - Build-to Line      ■ Optional Building Area

Parcel Configuration		
Corner Parcel (At Street Intersection)		
Parcel Area	5,000 sf. min	<b>A</b>
Width Along Numbered Street	55' min	<b>B</b>
Width Along Lettered Street	55' min	<b>C</b>
Interior Parcel		
Parcel Area	1,375 sf. min	<b>D</b>
Width Along Numbered Street	25' min	<b>E</b>
Width Along Lettered Street	25' min	<b>F</b>
Notes		
All parcels shall front on a public street except air space condominiums and parcels used exclusively for parking and/or circulation gaining access to/from the alley.		
Building Placement (Floors 1-6*)		
Build-to Line		
Numbered Street Frontage	5**	<b>G</b>
Lettered Street Frontage	5**	<b>H</b>
Setback		
Interior		
Adjacent to CD or TD	0' max	<b>I</b>
Adjacent to BD	3' min, 5' max	<b>J</b>
Alley		
≤ 55' from Lettered Street <sup>1</sup>	22' max	<b>K</b>
> 55' from Lettered Street <sup>2</sup>	85' max	<b>L</b>
Notes		
70% of the façade shall be built to the build-to line.		
*Along a shared property line between the Transition and Buffer Districts, the associated Building Placement provision applies only to Floors 1-4, even if separated by an alley.		
** To be further considered in conjunction with the development of streetscape standards.		
<sup>1</sup> Setback from Alley where building is at or less than 55' from Lettered Street.		
<sup>2</sup> Setback from Alley where building is beyond 55' from Lettered Street.		

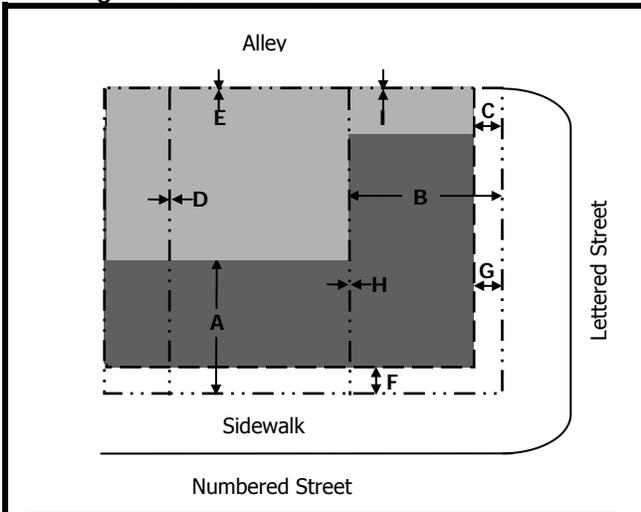
**Table 8-6 Transition District  
Building Configuration, Frontages, Use Types**



**Key**  
 - - - - Property Line      ■ Building Adjacent to CD or TD  
 ■ Building Adjacent to BD

Building Configuration		
Height		
Building Min.	2 Stories	<b>M</b>
Building Max.		
Adjacent to CD or TD	8 Stories	<b>N</b>
Adjacent to BD	6 Stories	<b>O</b>
Floor to Floor Height		
First Floor	16' - 18'	<b>P</b>
Floors 2-8	13' - 14'	<b>Q</b>
Stepback		
Street Frontage(s)		
Floors 7-8	15' min	<b>R</b>
Interior/Alley		
Floors 7-8	30' min	<b>S</b>
Interior/Alley Adjacent to BD		
Floors 5-6	30' min	<b>T</b>
Notes		
Top floor height measured to eave or base of parapet.		
Combining of floor area on the building interior to accommodate theater or mezzanine space is permitted.		
Permitted Frontages & Use Types		
Stoop Frontage		
First Floor	Civic, Residential	<b>U</b>
Floors 2-8	Civic, Office, Residential	<b>V</b>
Shopfront Frontage		
Floors 1-2	Retail, Office, Lodging or Service	<b>W</b>
Floors 2-8	Office, Lodging, or Residential	<b>X</b>
Notes		
Frontage types are defined in Section 10-2.807.		
Use types are defined in Section 10-2.808.		

**Table 8-7 Transition District  
Parking Location and Provision**



**Key**

- Property Line
- Build-to Line
- Ground Level Parking Area
- Upper Levels Parking Area

**Parking Location (Distance From Property Line)**

<b>Ground Level (Surface or Structured Parking)</b>		
Numbered Street	55' min.	A
Lettered Street		
> 22' from Alley <sup>1</sup>	55' min.	B
≤ 22' from Alley <sup>2</sup>	5' min.	C
Interior	0' min.	D
Alley	0' min.	E
<b>Levels 2-Upper Deck (Structured Parking)</b>		
Numbered Street	5' min.	F
Lettered Street	5' min.	G
Interior	0' min.	H
Alley	0' min.	I

**Notes**

<sup>1</sup>Setback from Lettered Street where parking is greater than 22' from Alley.

<sup>2</sup>Setback from Lettered Street where parking is at or Less than 22' from Alley.

**Parking Provision**

**Minimum Spaces Required (Off-Street)**

<b>Ground Floor</b>	
Residential/Lodging	1 per unit
Retail/Civic/Office/Service	1 per 500 square feet
<b>Floors 2-8</b>	
Residential/Lodging	1 per unit
Retail/Civic/Office/Service	1 per 500 square feet

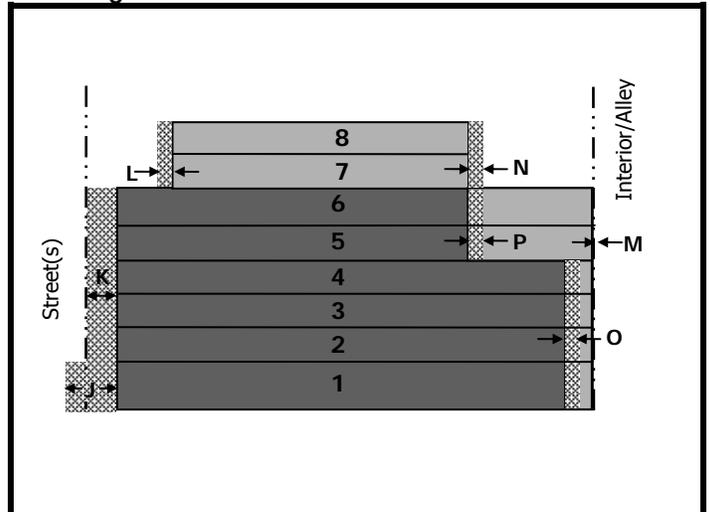
**Maximum Spaces Permitted (Off-Street)**

<b>Ground Floor</b>	
Residential/Lodging	1.5 per unit
Retail/Civic/Office/Service	1 per 300 square feet
<b>Floors 2-8</b>	
Residential/Lodging	1.5 per unit
Retail/Civic/Office/Service	1 per 300 square feet

**Notes**

Shared parking is permitted by Section 10-2.809.

**Table 8-8 Transition District  
Building Encroachments**



**Key**

- Property Line
- Encroachment
- Building Adjacent to CD or TD
- Building Adjacent to BD

**Building Encroachments**

<b>Street Frontages</b>		
Ground Floor	8' max	J
Floors 2-6	5' max	K
Floors 7-8	2' max	L
<b>Interior/Alley</b>		
Adjacent to CD or TD		
Floors 1-6	0' max	M
Floors 7-8	2' max	N
Adjacent to BD		
Floors 1-4 (Interior Only)	2' max	O
Floors 5-6	2' max	P

**Notes**

Awnings, canopies, signs and stoops may extend the full width of the frontage encroachment at ground floor.

Awnings and balconies may extend the full width of the permitted encroachment at floors 2-6.

Other architectural appurtenances may extend two feet maximum into the permitted encroachment.

# 10-2.806 Buffer District (BD)

**Table 8-9 Buffer District  
Parcel Configuration, Building Placement**

**Key**

- - - - Property Line
- Required Building Area
- Optional Building Area

Parcel Configuration		
<b>Corner Parcel (At Street Intersection)</b>		
Parcel Area	3,600 sf. min.	A
Numbered Street Width	60' min.	B
Lettered Street Width	60' min.	C
<b>Interior Parcel</b>		
Parcel Area	2,100 sf. min.	D
Numbered Street Width	35' min.	E
Lettered Street Width	35' min.	F
<b>Notes</b>		
All parcels shall front on a public street except air space condominiums and parcels used exclusively for parking and/or circulation gaining access to/from the alley.		
<b>Building Placement (Floors 1-3)</b>		
<b>Setback</b>		
Numbered Street Frontage	5' min*, 12' max	G
Lettered Street Frontage	5' min*, 12' max	H
Interior	3' min., 5' max	I
Alley		
≤ 55' from Lettered Street <sup>1</sup>	22' max	J
> 55' From Lettered Street <sup>2</sup>	85' max	K
<b>Notes</b>		
* To be further considered in conjunction with the development of streetscape standards.		
<sup>1</sup> Setback from Alley where building is at or less than 55' from Lettered Street.		
<sup>2</sup> Setback from Alley where building is beyond 55' from Lettered Street.		

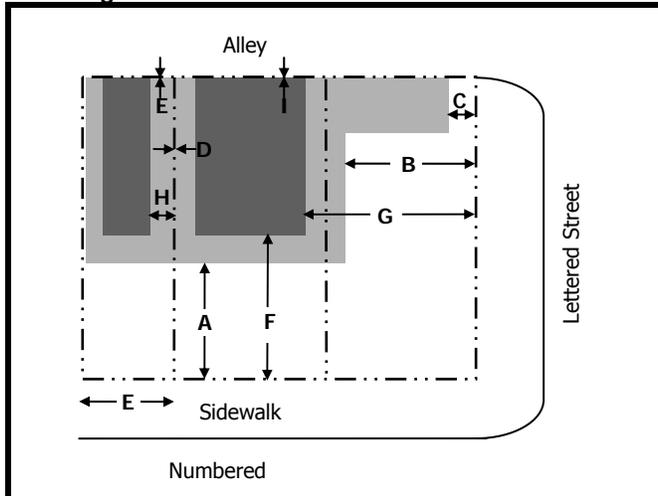
**Table 8-10 Buffer District  
Building Configuration, Frontages, Use Types**

**Key**

- - - - Property Line
- Building Area

Building Configuration		
<b>Height</b>		
Building Min.	1 Story	L
Building Max.	3 Stories	M
Floor to Floor Height		
First Floor	16' - 18'	N
Floors 2-3	13' - 14'	O
<b>Notes</b>		
Top floor height measured to eave or base of parapet.		
Combining of floor area on the building interior to accommodate theater or mezzanine space is permitted		
<b>Permitted Frontage and Use Types</b>		
<b>Stoop Frontage</b>		
First Floor	Civic, Residential	P
Floors 2-3	Civic, Office, Residential	Q
<b>Shopfront Frontage</b>		
First Floor	Retail, Office, Lodging	P
Floors 2-3	Office, Lodging, or Residential	Q
<b>Porch Frontage</b>		
First Floor	Office, Retail, Lodging or Residential	P
Floors 2-3	Office, Lodging, or Residential	Q
<b>Notes</b>		
Frontage types are defined in Section 10-2.807		
Use types are defined in Section 10-2.808.		

**Table 8-11 Buffer District  
Parking Location and Provision**



**Key**  
 - - - Property Line  
 ■ Upper Levels Parking Area  
 ■ Ground Level Parking Area

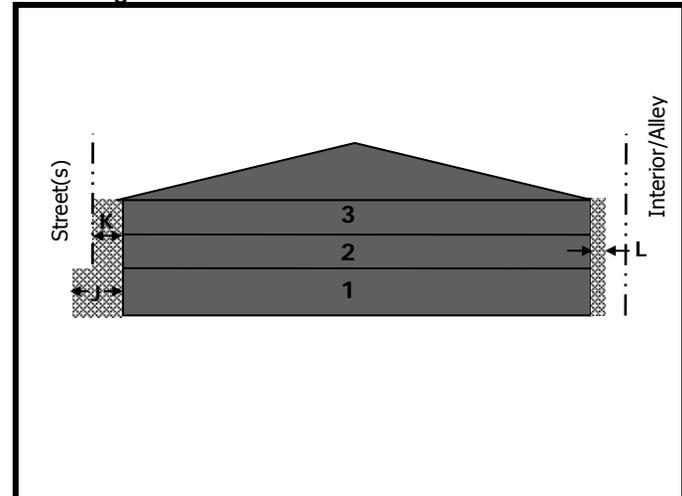
Parking Location (Distance From Property Line)		
Ground Level (Surface or Structured Parking)		
Numbered Street	55' min.	A
Lettered Street		
> 22' from Alley <sup>1</sup>	55' min.	B
≤ 22' from Alley <sup>2</sup>	5' min.	C
Interior	0' min.	D
Alley	0' min.	E
Level 2-Upper Deck (Structured Parking)		
Numbered Street	65' min	F
Lettered Street	65' min.	G
Interior	5' min.	H
Alley	0' min.	I

**Notes**  
<sup>1</sup> Setbacks from Lettered Street where parking is greater than 22' from Alley  
<sup>2</sup> Setbacks from Lettered Street where parking is at or Less than 22' from Alley.

Parking Provision		
Minimum Spaces Required (Off-Street)		
Ground Floor		
Residential/Lodging	1 per unit	
Retail/Civic/Office/Service	1 per 500 square feet	
Upper Floors		
Residential/Lodging	1 per unit	
Retail/Civic/Office	1 per 500 square feet	
Maximum Spaces Permitted (Off-Street)		
Ground Floor		
Residential/Lodging	2 per unit	
Retail/Civic/Office/Service	1 per 300 square feet	
Upper Floors		
Residential/Lodging	2 per unit	
Retail/Civic/Office	1 per 300 square feet	

**Notes**  
 Shared parking is permitted by Section 10-2.809.

**Table 8-12 Buffer District  
Building Encroachments**



**Key**  
 - - - Property Line  
 ■ Building Area  
 ■ Encroachment

Building Encroachments		
Street Frontages		
Ground Floor	8' max	J
Floors 2-3	2' max	K
Interior/Alley		
Floors 1-3 (Interior Only)	2' max	L

**Notes**  
 Awnings, canopies, signs, stoops and porches may extend the full width of the permitted encroachment at ground floor.  
 Awnings and balconies may extend the full width of the frontage encroachment at floors 2-3.  
 Other architectural appurtenances may extend two feet maximum into the permitted encroachment.

# 10-2.807 Frontage Types

**Table 8-13 Frontage Types**

Property Line →	
	<p><b>Shopfront</b> – A frontage where the façade is closely aligned to the property line with the ground floor level at grade. Variation within the building’s linear plane to accommodate recessed entries and windows, as well as architectural appurtenances is permitted. The primary building entrance shall occur along the street frontage and at least 70% of the first floor façade shall be glazed in clear glass to promote a strong connection between the public and private realms. The area between the build to line and front property line is paved with materials and/or colors that are unique and distinguishable from the public sidewalk.</p>
	<p><b>Stoop</b> – A landscaped frontage where the façade of the building is closely aligned to the property line with a ground floor level raised 24 to 36 inches above grade to ensure privacy within the building. Variation within the building’s linear plane to accommodate recessed entries and windows, as well as architectural appurtenances is permitted. The primary building entrance shall occur along the street frontage and be accessed via a stoop that projects a minimum of 5’. A 36” high fence/wall provided along the property line maintains street spatial definition. Where the stoop extends in front of the property line, it shall be framed by a wall and/or removable planters a minimum of 36” high.</p>
	<p><b>Porch</b> – A landscaped frontage where the façade is set back from the front property line a minimum of 10 feet with a ground floor raised 12 to 36 inches above grade. A porch extends at least 60% of the lineal width of the building frontage and projects a minimum of 6 feet to ensure usability. The primary building entrance is accessed via the porch, and a walkway provides direct access between the public sidewalk and the porch. A 36” high fence or hedge provided along the property line maintains street spatial definition.</p>

# 10-2.2808 Use Types

**Table 8-14 Use Types**

<p><b>Civic</b></p> <p>Civic uses are generally not-for-profit and serve a public benefit by furthering social, cultural, artistic, religious or educational opportunities. These uses provide a service that typically generate substantial visitation and activity during operating hours.</p> <p>Examples Include:</p> <ul style="list-style-type: none"> <li>Government</li> <li>Place of Worship</li> <li>School</li> <li>Performing Arts Theater</li> <li>Museum/Aquarium</li> <li>Art Studio</li> </ul>	<p><b>Residential</b></p> <p>Residential uses are housing units occupied by the owner or a renter for a prolonged period of time. Each unit generally contains full food preparation and consumption facilities. Occupancy will generally range from six months to several years.</p> <p>Examples Include:</p> <ul style="list-style-type: none"> <li>Apartment</li> <li>Condominium</li> <li>Single-Family Home</li> <li>Rowhouse</li> <li>Duplex</li> <li>Residential Care Home</li> </ul>
<p><b>Lodging</b></p> <p>Lodging uses offer temporary housing for a fee. The housing options may range from shared studios to multi-bedroom suites with full food preparation and consumption facilities. The duration of stay will range from one night to as long as one month.</p> <p>Examples Include:</p> <ul style="list-style-type: none"> <li>Hotel/Motel</li> <li>Bed and Breakfast</li> <li>Hostel</li> </ul>	<p><b>Retail</b></p> <p>Retail uses are for-profit businesses that offer durable goods, nondurable goods, entertainment and/or personal services that are purchased, consumed or enjoyed by patrons on-site. These uses tend to have a fast turnover, with complete transactions typically lasting a few minutes to a couple of hours.</p> <p>Examples Include:</p> <ul style="list-style-type: none"> <li>Apparel Store</li> <li>Bar/Club</li> <li>Beauty Salon</li> <li>Café/Restaurant</li> <li>Grocery Store</li> <li>Movie Theater</li> </ul>
<p><b>Office</b></p> <p>Office uses are employment-intensive job centers providing either specialized personal services requiring licensing/registration with the state/federal government or administrative services. These uses typically operate between the hours of 7am and 6pm Monday through Friday.</p> <p>Examples Include:</p> <ul style="list-style-type: none"> <li>Attorney</li> <li>Architect/Engineer</li> <li>Financial Planner</li> <li>Dentist/Doctor</li> <li>Real Estate Professional</li> <li>Staffing Agency</li> </ul>	<p><b>Service</b></p> <p>Service uses are businesses that repair, clean and/or rent durable goods or facilities, or that sell durable or nondurable wholesale goods to retailers or for special events. Transactions usually involve appointments and take one day to several months from the time they are initiated to the time they are concluded.</p> <p>Examples Include:</p> <ul style="list-style-type: none"> <li>Automotive Repair</li> <li>Janitorial Services</li> <li>Banquet Halls</li> <li>Car Rental</li> <li>Catering Business</li> </ul>
<p><b>End Notes</b></p> <ol style="list-style-type: none"> <li>1. Determination over specific uses that are permitted within the Downtown Core shall be made by the Community and Economic Development Director or designee based on the above definitions and professional judgment.</li> <li>2. Ancillary uses customarily associated with each use type are permitted as incidental and subordinate to a permitted use. For example: restaurants and conference facilities may be permitted in conjunction with a hotel; day care facilities may be provided with a corporate office.</li> <li>3. Adult Entertainment and Single-Room Occupancies are not permitted in the Downtown Core Zone.</li> <li>4. Bars, clubs and other venues providing entertainment and/or special events are subject to the provisions of Article 4 of Chapter 1 of Title 4, where applicable.</li> </ol>	

## **10-2.809. GENERAL PROVISIONS.**

### **(a) Parking**

#### **(1) Design**

- (i) Except where in conflict with the provisions of this Article, all parking areas shall be designed in accordance with Section 10-2.2004 of the Modesto Municipal Code.
- (ii) Parking structures shall not exceed six levels, plus an upper deck, in the Central and Transition Districts and two levels, plus an upper deck, in the Buffer District.
- (iii) Parking structures in the requisite building placement area not concealed behind a habitable liner shall conform to all building placement and building configuration requirements of the respective district and provide a façade that gives the appearance of being habitable.
- (iv) Where surface parking occurs along the build-to or setback line fronting a lettered street within 22' of the alley, a minimum 3.5-foot-high streetscreen shall be provided along the build-to line, or a line co-planer with the adjoining building's façade in the Buffer District.

#### **(2) Access**

- (i) Vehicular access to and from parking areas shall occur through alleyways.
- (ii) Pedestrian access to and from parking areas shall occur within buildings, paseos, plazas or the area along lettered streets designated for ground level parking.

#### **(3) Shared Parking**

- (i) The minimum number of required parking spaces may be reduced when a building contains different Use Types. Parking may also be reduced between buildings with different Use Types that are located within immediately adjacent blocks.

- (ii) When parking is shared between buildings located on different sites, a parking covenant shall be required in accordance with Section 10-2.2002(h)(4) of the Modesto Municipal Code.
  - (iii) The reduction in parking shall be determined by dividing the sum of the parking required by two Use Types occupying the same amount of building floor area (square footage) by the associated factor from Table 8-15.
- (4) Off-Site Parking
- (i) Off-site parking may be used to meet the parking requirements of this Article.
  - (ii) Off-site parking shall be located within 1,460' of the building it serves, as measured along streets, alleys and sidewalks from the nearest point of the parking area to the nearest point of the building.
- (5) Miscellaneous
- (i) Underground parking is not regulated by this Article.

**Table 8-15 Shared Parking**

	Civic	Lodging	Office	Residential	Retail	Service
Civic	1	1.5	1.2	1.3	1.2	1.2
Lodging	1.5	1	1.7	1.1	1.3	1.5
Office	1.2	1.7	1	1.4	1.2	1.1
Residential	1.3	1.1	1.4	1	1.2	1.3
Retail	1.2	1.3	1.2	1.2	1	1.1
Service	1.2	1.5	1.1	1.3	1.1	1

*Example: A building that is comprised of an office use type occupying 100,000 square feet and a residential use type occupying 50,000 square feet may divide the sum of the parking required for 50,000 square feet of office use type (100 spaces) and 50,000 square feet of residential use type (e.g., 75 spaces) by 1.4 resulting in the requirement for 125 parking spaces (175/1.4 = 125). Then add the minimum parking required for the remaining 50,000 square feet of office use type (100 spaces) to determine the total parking requirement for the building (125 + 100 = 225 total parking spaces).*

(b) **Public/Private Transition Area**

(1) **Outdoor Dining and Display**

- (i) Use of the three (3) feet of public right-of-way adjoining the street property line(s) for the following purposes shall be allowed, subject to obtaining the necessary approvals:
  - a) Outdoor dining
  - b) Display of public art
  - c) Display of merchandise
  - d) Display of Downtown Core Zone Sidewalk Signs
  - e) Display of seasonal items
  - f) Display of removable planters/flower pots
- (ii) Outdoor dining, merchandise display and Downtown Core Zone Sidewalk Signs shall relate to the commercial activity taking place within the adjoining ground floor business.
- (iii) All merchandise display, Downtown Core Zone Sidewalk Signs, outdoor dining and associated enclosures shall be removed during non-business hours.
- (iv) Downtown Core Zone Sidewalk Signs are limited to one per parcel per public street frontage.
- (v) Display of merchandise is limited to 50% of the lineal width of the adjoining business along the street(s).

(c) **Special Areas**

(1) **High Speed Rail Corridor**

- (i) Where in conflict, High Speed Rail and/or Regional Rail design specifications within the High Speed Rail Corridor shall supersede the development provisions of this Article.

(2) Historic Preservation Sites

- (i) Relocation of buildings contained within designated Historic Preservation Sites on the Planning District Map is not permitted.
- (ii) Development adjoining Historic Preservation Sites shall be no greater than two stories higher or lower than the historic building.

(3) Historic Resource Sites

- (i) Relocation of buildings contained within designated Historic Resource Sites to properties within the original City boundaries, as incorporated in 1884, is permitted.
- (ii) If a designated Historic Resource site building is relocated, then the subject property may be developed in accordance with the provisions of the underlying District, as shown on the Planning District Map.
- (iii) Development adjoining Historic Resource Sites still containing a historic building, shall be no greater than two stories higher or lower than the building.

(d) **Miscellaneous Design Issues**

(1) Design Guidelines

- (i) All development within the Downtown Core Zone is subject to the City of Modesto Design Guidelines for Commercial and Industrial Development, where applicable.

(2) Wireless Telecommunications

- (i) Wireless facilities are subject to the provisions of Article 31 as they apply to the C-2 Zone.

(3) Rooftop Utilities

- (i) All building utilities and mechanical equipment located on rooftops shall be screened within penthouses or attics.

(4) Ground Utilities

- (i) All ground level building utilities and mechanical equipment not contained within buildings shall be located within the area designated for ground level parking.

(5) Blocks without Alleys

- (i) Development occurring on lots without alleys shall assume an alley parallel to and 140' behind the numbered street(s) property line(s) for the purposes of complying with the development provisions for the applicable Planning District.
- (ii) Developments that comprise an entire block may build over the alley following an abandonment of the subject alley.

(6) Properties Containing Multiple Planning Districts

- (i) Where one property contains two Planning Districts, the boundary between the Districts shall be treated in the same manner as a property line for the purposes of complying with the associated development provisions of the respective Planning Districts.

**(e) Signs**

(1) Downtown Core Zone Sidewalk Signs

- (i) Downtown Core Zone Sidewalk Signs of a size, design and materials as approved by the City Council and as administered by the Downtown Improvement District are permitted in the locations specified in Section 10-2.809(b) of this Article.

(2) Wall Signs

- (i) Permitted subject to the provisions of Section 10-2.2112, Table 21-3 of the Modesto Municipal Code, except maximum sign area shall be one (1) square foot per linear foot of width of the wall upon which the sign is placed.

- (3) Suspended Signs
  - (i) Permitted subject to the provisions of Section 10-2.2112, Table 21-3 of the Modesto Municipal Code.
- (4) Projecting Signs
  - (i) Permitted subject to the provisions of Section 10-2.2112, Table 21-3 of the Modesto Municipal Code, except maximum sign area shall be limited to 12 square feet and the sign may not project more than three feet from the façade of the building.
- (5) Projecting Marquee Signs
  - (i) Permitted subject to the provisions of Section 10-2.2112, Table 21-3 of the Modesto Municipal Code, except the sign may only project eight feet beyond the building façade, and the sign shall only be permitted for Theaters.
- (6) Canopy Signs
  - (i) Permitted subject to the provisions of Section 10-2.2112, Table 21-3 of the Modesto Municipal Code, except maximum sign area shall be one (1) square foot per liner foot of width of the wall upon which the canopy is affixed.
- (7) Window Signs
  - (i) Permitted subject to the provisions of Section 10-2.2112, Table 21-3 of the Modesto Municipal Code, except maximum sign area is limited to 50% of the area of the window.
- (8) Temporary Signs
  - (i) Permitted subject to the provisions of Section 10-2.2112, Table 21-3 of the Modesto Municipal Code.

- (9) Notes
  - (i) Except where in conflict with the provisions of this Article, all signs shall conform with Article 21.

(f) **Management**

- (1) Operating Hours
  - (i) Within the Buffer District, Retail Use Type businesses are limited to operating between the hours of 7:00 am and 10:00 pm.
- (2) Outdoor Storage
  - (i) Outdoor storage shall only occur within the Optional Building Area and is limited to items relating to business being conducted within the building on the same property.

**10-2.810. DEFINITIONS.**

- (a) **Adjacent.** Sharing a common property line or Planning District line, even if separated by a street or alley. Properties that are separated by a street are considered adjacent even if they are located diagonally across an intersection.
- (b) **Adjoining.** Sharing a common boundary.
- (c) **Architectural Appurtenance.** Building accessories or elements that project from the surface of the building, such as eaves, bulkheads, window trim, etc.
- (d) **Attic.** An area above the top floor of a building that is typically residential in nature with a pitched roof, which is designed to house utilities and/or equipment and provide insulation.
- (e) **Block Frontage.** A frontage area running along one street, between the nearest two transecting streets.
- (f) **Build-to Line.** A line behind and paralleling the street property lines along which the building façade must be placed.
- (g) **Co-planer.** Even with the surface of a building.

- (h) **Downtown Core Zone Sidewalk Sign.** An A-frame sign designed in accordance with provisions approved by the City Council and administered by the Downtown Improvement District, that is available to businesses in the Downtown Core Zone through the Downtown Improvement District.
- (i) **Encroachment.** Extension of building elements beyond the build-to line or required setback.
- (j) **Façade.** The plane of the building and its architectural elements facing the public street. The “face” of the building.
- (k) **Frontage.** The area between the façade of a building and the street property line.
- (l) **Habitable Liner.** A relatively shallow building area that is conditioned and intended for human activities (residence, office, etc.), which separates a parking structure from the public realm.
- (m) **High Speed Rail Corridor.** A transect intended to accommodate future High Speed and associated Regional Rail.
- (n) **Historic Preservation Site.** Properties containing buildings that are included in the Landmark Preservation list in the General Plan.
- (o) **Historic Resource Site.** Properties containing buildings that have been identified as having some historical significance, but are not on the historic preservation list.
- (p) **Paseo.** A 15-foot to 30-foot wide, open-air area for pedestrian passage between the public sidewalk and parking or other uses to the rear of property, which provides storefronts along one or both sides.
- (q) **Penthouse.** An area above the top story of a building, which is used to store mechanical equipment, building utilities, etc. Penthouses are either well-integrated into the architecture of the building they serve or are set back from the building’s edges and designed to be inconspicuous.
- (r) **Plaza.** An open air area greater than 30 feet wide that is used for public meeting space or passive open space.
- (s) **Setback.** The minimum or maximum dimension from property line that a building must be placed.

- (t) **Single Room Occupancies.** Rooms that can be leased or rented for extended periods of time or as a primary residence without the provision of either separate or common food preparation and consumption facilities.
- (u) **Stepback.** The minimum dimension from property line that the tower element or upper levels of a building must be placed.
- (v) **Story.** A level within a building or structure measured from the finished floor to the finished floor above, or to the eave or base of the parapet in the case of the top floor, that is generally accessible and used by patrons of the building. Enclosures for mechanical equipment above the top floor, and attics in the case of a pitched roof, are not considered a building story for the purposes of this Code.
- (w) **Streetscreen.** A wall built along the build-to line or building setback line used to screen a parking area or other areas not otherwise screened by a building from the adjoining street.
- (x) **Upper Deck.** The highest level or “roof” of a parking structure.

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

SECTION 3. PUBLICATION. 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 13th day of July, 2010, by Councilmember Olsen, 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: Geer, Hawn, Lopez, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

APPROVED: \_\_\_\_\_  
JIM RIDENOUR, Mayor

ATTEST:

By \_\_\_\_\_  
STEPHANIE LOPEZ, City clerk

(SEAL)

APPROVED AS TO FORM:

By \_\_\_\_\_  
SUSANA ALCALA WOOD, City Attorney

Ord. No. 3532-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 4th day of August, 2010, Councilmember Lopez 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: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None.

ABSENT: Councilmembers: None

APPROVED: \_\_\_\_\_  
MAYOR JIM RIDENOUR

ATTEST: \_\_\_\_\_  
STEPHANIE LOPEZ, City Clerk

Effective Date: September 3, 2010